

IAWG Discussion DRAFT – June 28, 2018

Colombia Scenesetter

Interagency Working Group to Reduce
Violence Against Environmental
Defenders

Thursday, June 28, 2018
2:00-4:00PM EST

Scenesetter Roadmap

- Background
 - Sectors and Cases
 - Takeaways
 - References
-

Legend

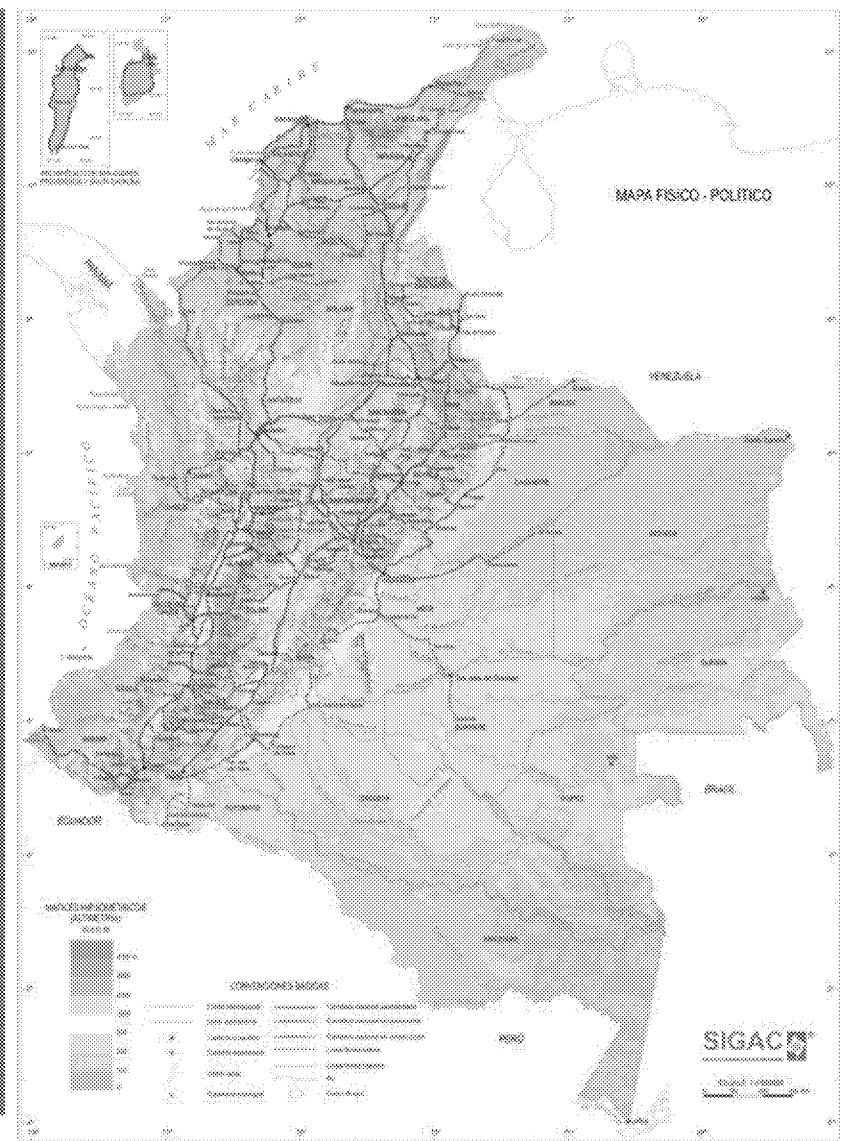
More information *desired*

More information *needed*

Background Section

- Geography
- Political
- Economic
- Social
- Indigenous
- Environment

Geography and Topography



https://www.cia.gov/library/publications/the-world-factbook/geos/print_co.html

IGAC - Instituto Geográfico Agustín Codazzi

Political Background

- **Decades-long conflict between government forces and antigovernment insurgent groups**, principally the Revolutionary Armed Forces of Colombia (FARC) heavily funded by the drug trade, **escalated in 1990s**.
- **More than 31,000 former paramilitaries demobilized by end of 2006**. In wake of demobilization, organized criminal groups arose, whose members include some former paramilitaries.
- After **four years of formal peace negotiations**, the Colombian Government signed a **peace accord with the FARC in November 2016**, later ratified by the Colombian Congress.
 - The accord calls for members of the FARC to demobilize, disarm, and reincorporate into society and politics.
- Despite decades of internal conflict and drug-related security challenges, Colombia maintains **relatively strong democratic institutions** characterized by peaceful, transparent elections and the protection of civil liberties.

[https://www.cia.gov/library/publications/the-world-factbook/geos/print_co.html]

Economic Background

- ***Colombia is heavily dependent on energy and mining exports.***
 - It is Latin America's fourth largest oil producer, world's fourth largest coal producer, third largest coffee exporter, and second largest cut flowers exporter.
- Economic development hampered by inadequate infrastructure ... [Embassy note: corruption,] narcotrafficking, and uncertain security situation, in addition to dependence on primary commodities.
- ***Colombia's economy slowed in 2017***, primarily because of falling global oil and other commodity prices
 - Real GDP growth averaged 4.7% in past decade, est 1.8% in 2017.
- ***Struggled to address local referendums [popular consultations] against foreign investment, which slowed expansion in the oil and mining sectors.*** FDI declined by 3% between January-September 2017.

[CIA World Factbook <https://goo.gl/YTduU5>]

- Colombia was invited to join the OECD in May 2018 [OECD

Bilateral Trade, Free Trade Agreement

- In 2017, total ***bilateral goods trade*** was \$27 billion [Census Bureau <https://goo.gl/9VtQzv>]
- United States-Colombia ***Free Trade Agreement*** went into effect in May 2012.
- Article 18.9 establishes a ***Secretariat for Environmental Matters***. Secretariat Agreement to be signed very soon. Next step will be to hire an Executive Director - fall 2018.
- The FTA establishes an ***Environmental Affairs Council***, which meets to discuss implementation of the chapter provisions.
- Article 18.10 notes the countries commit to expand their cooperative relationship on environmental matters and undertake environmental cooperation activities pursuant to the ***Environmental Cooperation Agreement*** (ECA). ECA signed 2013.
- The ECA establishes an ***Environmental Cooperation Commission***, which meets to discuss the status of cooperation activities and approve a work program.

Global Exports: In 2016 \$30.2B, 45th largest in world

Decreased from \$61.1B in 2011 to \$30.2B in 2016

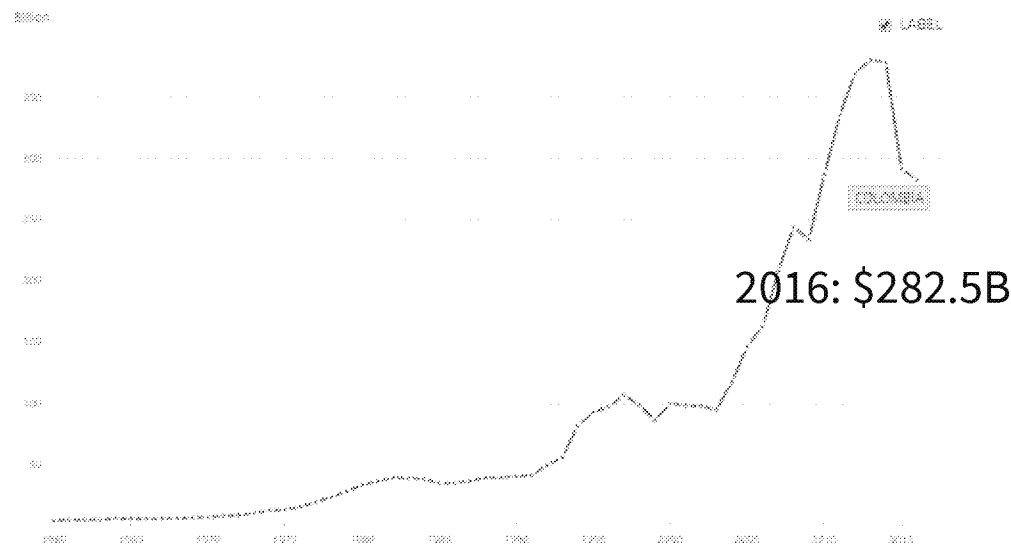


[MIT <https://atlas.media.mit.edu/en/profile/country/col/#Exports>]

GDP (1960-2016)

[World Bank

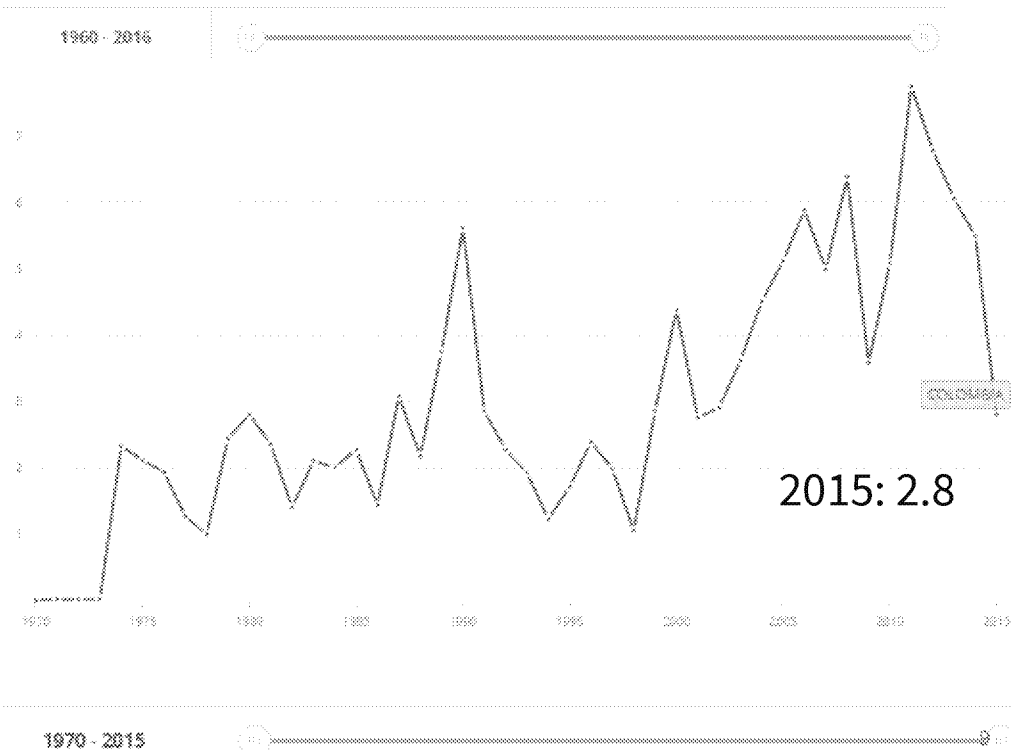
https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=CO&year_high_desc=true]



Natural Resources Depletion Rate (1970-2015)

[World Bank

<https://data.worldbank.org/indicator/NY.ADJ.DRES.GN.ZS?end=2015&locations=CO&start=1970&view=chart>]



2017 Resource Governance Index

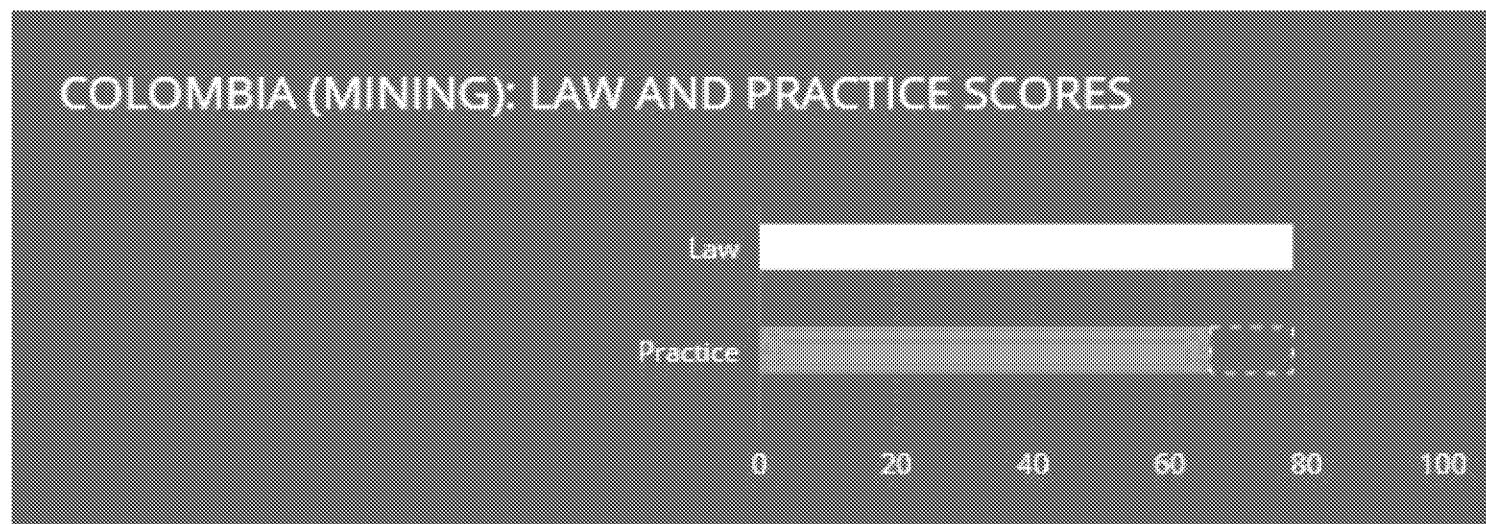
- The ***mining sector has been the subject of debate*** between the national government, which advocates for attracting investment, and environmental and social movements, concerned with local impacts and benefits.
- ***Oversight of environmental and social impact on local communities (local impact) is the weakest element of Colombia's resource governance.*** Colombia scores 46 of 100 in mining and 36 of 100 in oil and gas, behind all but Guatemala, Ecuador and Cuba in Latin America and the Caribbean.
 - ***Environmental impact assessments are not easily available for citizens*** who lack detailed information about projects.
 - Cases of ***non-compliance with rehabilitation requirements*** in both sectors.
 - ***Land users do not enjoy strong legal protections*** in case of conflict with extractive operators, but the constitutional court has ruled for displaced people's rights to compensation.
 - Environmental and social groups have advocated for more transparency, but ***disclosure of environmental and social contributions has not progressed in a similar manner to revenue disclosure.***

<http://resourcegovernanceindex.org/country-profiles/COL/mining> and

<https://resourcegovernance.org/news/colombia-ranked-world-top-ten-oversight-natural-resources-despite-concern-over-management>

2017 Resource Governance Index

- **Gap between Colombia's laws and its practices, in particular around environmental and social issues in the mining sector.** Combined with the **surge in illegal mining in recent years** – a 2011 study found that between 60-90% of mining units were operating without a mining title – this lack of enforcement is cause for concern. As a result, **communities and civil society are demanding more local participation in resource decisions.**
- Colombian government is weak in licensing, **its score made lower by lack of public disclosure of beneficial owners and public officials' interests** in extractive companies.



- **Population:** 47,698,524 (July 2017 est.), 29th largest in the world
- **Urban population:** 77% (2017). **Majority in north, west;** vast grasslands (llanos) to south, east (apx 60% of country) sparsely populated
- ***Forced displacement still prevalent due to violence among [Embassy note: dissident groups of the FARC and illegal armed groups that are seeking control over drug corridors]. Afro-Colombian and indigenous populations are disproportionately affected.***
 - Between 1985-September 2017, nearly 7.6 million ***persons internally displaced, highest in world***. Probably undercount since many IDPs not registered.
- Historically, Colombia also has ***one of the world's highest levels of forced disappearances***. About 30,000 cases recorded over the last four decades—number likely much higher—including human rights [Embassy note: and environmental] activists, trade unionists, Afro-Colombians, indigenous people, and farmers in rural conflict zones.

<http://www.refworld.org/docid/4954ce5dc.html>

More than 80 indigenous peoples

Ethnic Groups (2005 est.):

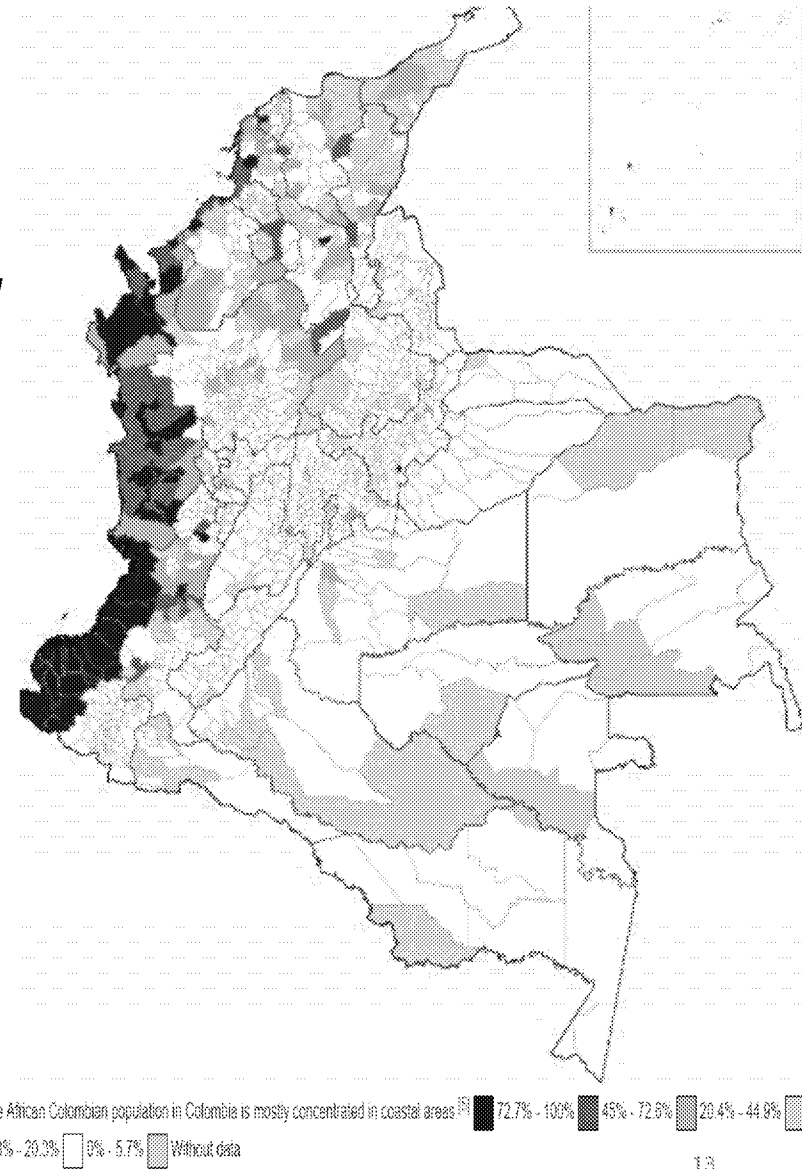
- mestizo and white 84.2%;
- Afro-Colombian (includes mulatto, Raizal (English-speaking Caribbean communities, in San Andres and Providencia), and Palenquero (descendants of maroon or escaped slave communities) 10.4%; **second largest African descendent population in Latin America after Brazil**
- Amerindian 3.4%,
- Romani <.01: unspecified 2.1%.

<http://www.refworld.org/docid/4954ce5dc.html>

According to the Ministry of the Interior of Colombia, **36 indigenous communities are at risk of physical and cultural extinction at the national level** due to the following factors: 1) conflict violence; 2) factors related to the conflict (e.g., displacement); and 3) economic interests. [Vattenfall <https://goo.gl/1vQ8Va>

Social Geography

Density of Afro-Colombian population



[Wikipedia <https://goo.gl/iZ7P5M>]

Ethnic Groups - ILO 169

- ***Before the 1991 constitution, indigenous peoples were not recognized as equal citizens.*** [UNHCR 2008: http://www.refworld.org/docid/4954ce5dc.html](http://www.refworld.org/docid/4954ce5dc.html)
- Colombia ***ratified ILO Convention 169 in 1991***, recognising that indigenous people have additional rights, including the right to Free Prior and Informed Consent (FPIC) before projects begin in their territory.
- In **2014**, the ***Constitutional Court*** (T-576/14) declared that ***Afro-Colombian communities also have the right to FPIC***. As a result, ***communities started a series of legal actions (acción de tutela) to ensure that FPICs are enforced***.
- The Ministry of the Interior is the sole body with authority to recognise indigenous groups or Afro-Colombians and grant them rights. ***A backlog of evaluations is pending***, so a significant number of communities that have declared themselves Afro-Colombian is not recognised by the government.”

[Vattenfall <https://goo.gl/1vQ8Va>

Popular Consultations (*Consultas Populares*)

- Communities' ***right to hold popular consultations guaranteed in Constitution*** (Article 105) [Presidencia de la República <https://goo.gl/EcLNy6>]
 - Reaffirmed through multiple constitutional court decisions and additional laws [International Network of Human Rights <https://goo.gl/B8bk7V>]
- 2009: ***First popular consultations held*** related to large-scale mining, community voted to oppose project [Article in Geoforum Journal 2015 <https://goo.gl/5EDhfY>]
- 2013: ***Multiple popular consultations opposed mining*** (Piedras, Cajamarca municipalities); mining minister stated consultations put foreign investment at risk [El Pais <https://goo.gl/7PkRhK>]
- ***Judicial authorities*** (Constitutional Court) and government bodies (i.e. National Mining Agency) ***disagree on validity of community referenda*** [Journal of Natural Resources and Energy Law 2017 <https://goo.gl/f32WnC>]
 - February 2017: Constitutional Court “overturned the central government's sole authority by allowing provincial governors and mayors to challenge exploration permits” [Con. Court SU133-17 <https://goo.gl/2B52bt>]
 - May 2018: Although multiple referenda have been held, ***11 planned referenda were recently suspended*** by the National Registry of Civil Status, which informed municipalities that the Ministry of Finance refuses to finance the consultation [El Espectador May 2018 <https://goo.gl/pHLgO6>]

Government Environmental Institutions

In the *first decade of the 21st century, Colombia's environmental institutions were largely overwhelmed by environmental pressures stemming from the fast pace of economic growth*. [Vattenfall 2017 <https://goo.gl/1vO8Va>]

Ministry of Environment and Sustainable Development (MOE or MADS [Spanish acronym]/MinAmbiente)

- MOE contact said in June that her ministry tracks the issue closely, and requested Embassy support in continuing to raise the profile of environmental activists [18 Bogota 1462, sent June 12, 2018]

Corporaciones Autonomas Regionales (CARs): Implementation of environmental policies at subnational level overseen by 33 regional autonomous corporations (CARs) [OECD 2015 <https://goo.gl/ihxWfU>]

- Both established in 1993 with passing of “Law on the Environment”;
- Embassy note: “Autonomous Corporations (CAR) make the environmental plans in a local level and the Ministry of Environment makes the macro environmental policy”

Policymaking: “The MOE establishes environmental policies at the national level and enforces environmental law, while the CARs have jurisdiction over their respective regions and have the authority to create regional policy to protect the environment.” [17 Bogota 2144, sent August 31, 2017]

Environmental Licensing

The Ministry of Environment formulates environmental policies in areas where there could be projects of extractive industry, transport of hydrocarbons or generation and transportation of electric power. MOE and the Ministry of Mines work together in a variety of issues, including the energy and mining sector through interinstitutional committees. [Embassy note]

Environmental Licensing is conducted by **National Environmental Licensing Authority (ANLA)**, established in 2012, which falls under the MOE, and the CARs

- Prior to 2012, the CARs controlled the environmental licensing process for projects located within their jurisdiction. . . . As of 2012, ***ANLA is responsible for issuing licenses for large-scale projects, while the CARs retained their licensing authority for smaller-scale and non-extractive industry projects.***
- The efficacy of environmental institutions varies widely. While the MOE, ANLA, and other federal agencies are technically capable, they lack resources to compete with the private sector. Since the CARs are funded through regional taxes and royalties on projects such as mining and petroleum, capabilities of the CARs vary widely depending on the territory where they operate.

[17 Bogota 2144, sent August 31, 2017]

Environmental Licensing

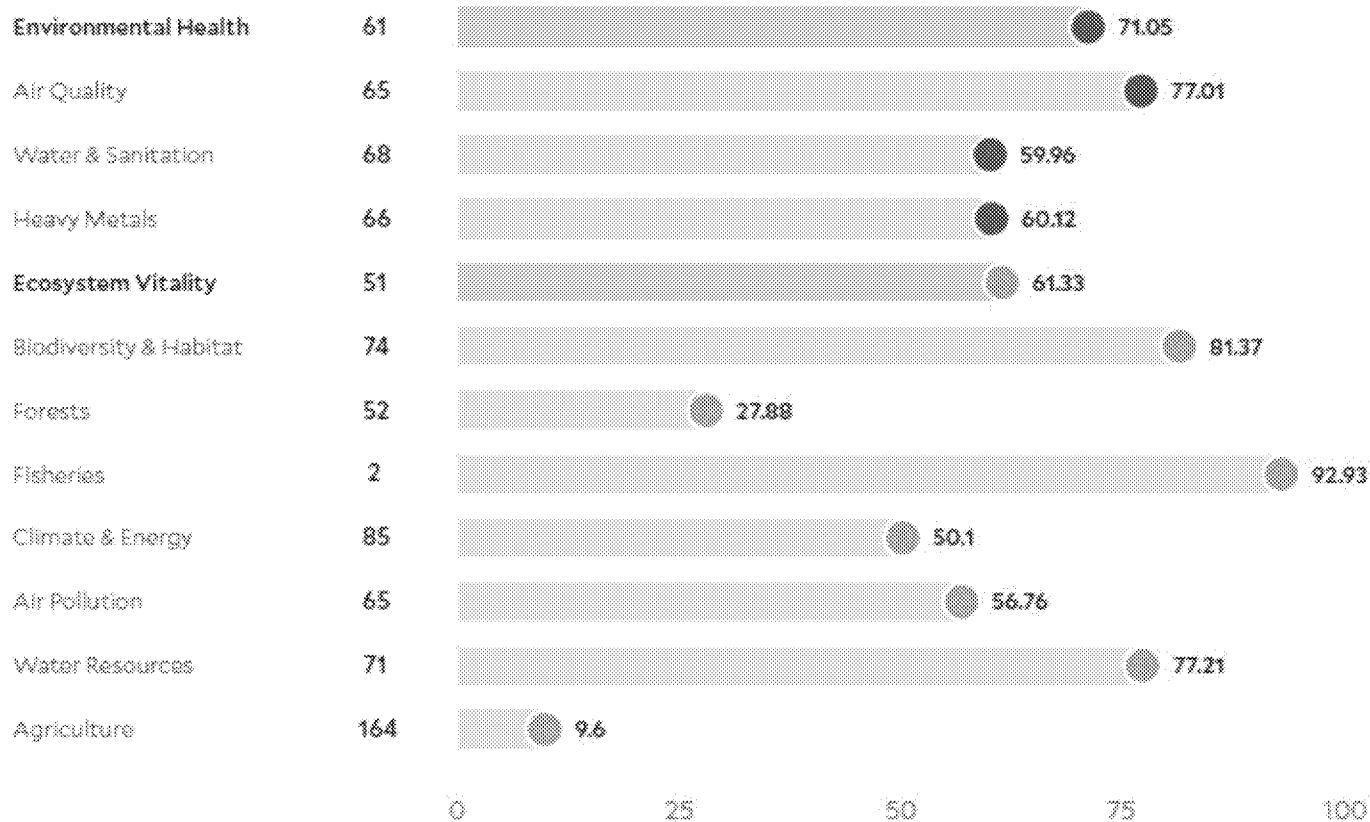
- Under Colombian law, ***only the environmental authority that grants a license or permit can impose sanctions for environmental violations***
- When a third party wants to an environmental permit that involves the use of natural resources, ANLA evaluates with transparent procedures in order to balance the protection of the environment and the development of the country for the benefit of society. [Embassy note]
- “However, they are subject to few accountability constraints, vulnerable to capture by local interests and under-financed. Since these bodies have important responsibilities, including gathering environmental information, performing environmental impact assessments and licensing procedures, their weak performance overall is an important impediment to effective environmental management. The internal conflict has also impeded environmental management by restricting access to protected areas, thereby undermining the rule of law”

[Vattenfall <https://goo.gl/1vO8Va>]

Environmental Concerns

- 2013: **Comptroller General's Office** reported that “**Colombia is the country with the greatest biodiversity per square kilometer on the planet, and current instruments regulating [mining] activities are not sufficiently effective to protect, safeguard and maintain the natural resources properly**” [Vattenfall]
 - Wildlife trafficking is a big problem; “the MOE estimates that wildlife trafficking is the third most lucrative illegal business after the illicit drug trade and illegal mining activities” [17 Bogota 2144, sent August 31, 2017]
- 2014: “OECD stated that Colombia’s **environmental spending is still relatively low** and has not kept pace with overall trends in public spending and that **environmental law enforcement remained insufficient**”
- “The environmental effectiveness and **enforcement of waste and industrial chemicals policies in Colombia would benefit from better coordination between the numerous institutions involved in waste and chemicals management, and from comprehensive and consistent guidance**, in particular through an overarching legal framework. Increased **financial resources would also help to develop an appropriate waste management infrastructure, move towards waste prevention and minimisation as well as ensuring sound management of industrial chemicals.**” [Vattenfall 2017 <https://goo.gl/1vQ8Va>]

**2018: 42 out of 180;
score 65.22 with 100 best**





World Justice
Project

Rule of Law Index®

2017-2018

Overall Score

0.5

Regional Rank

19/30

Income Rank

24/36

Global Rank

72/113

Score Change

0.00

Rank Change

-1▼



Constraints on
Government Powers

Factor
Trend

Factor
Score

Regional
Rank

Income
Rank

Global
Rank

—

0.53

19/30

15/36

65/113



Absence of Corruption

—

0.41

22/30

30/36

83/113



Open Government

—

0.63

5/30

4/36

31/113



Fundamental Rights

—

0.56

19/30

20/36

63/113



Order and Security

—

0.57

29/30

34/36

104/113



Regulatory Enforcement

—

0.51

14/30

15/36

54/113



Civil Justice

—

0.49

19/30

26/36

77/113



Criminal Justice

—

0.34

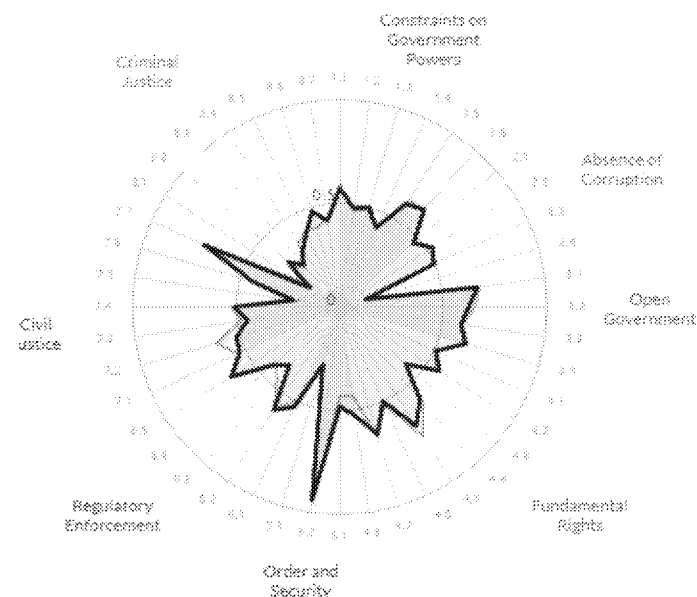
20/30

30/36

92/113

▲ Trending up ▼ Trending down ■ Low ■ Medium □ High

— Colombia — Latin America & Caribbean — Upper Middle



Absence of Corruption

2.1 In the executive branch

0.47

2.2 In the judiciary

0.53

2.3 In the police/military

0.50

2.4 In the legislature

0.13

Regulatory Enforcement

6.1 Effective regulatory enforcement

0.53

6.2 No improper influence

0.59

6.3 No unreasonable delay

0.37

6.4 Respect for due process

0.43

6.5 No expropriation w/out adequate compensation

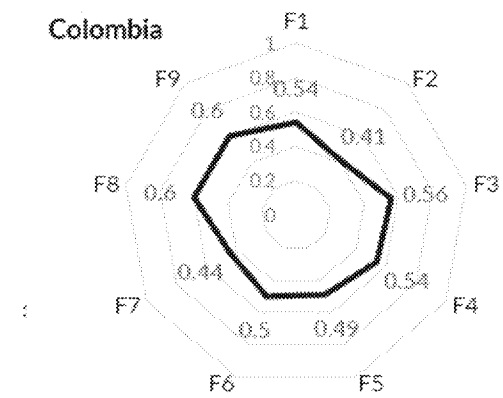
0.62

July 2017

Environmental Rule of Law Index: Pilot Data

	Argentina	Colombia	Germany	Japan	Kenya
Pillar I: Overarching Laws & Procedures	0.44	0.51	0.64	0.49	0.41
Factor 1: Access to Information	0.46	0.54	0.60	0.50	0.38
Factor 2: Public Participation	0.34	0.41	0.62	0.38	0.33
Factor 3: Administrative Enforcement & Procedures	0.47	0.56	0.65	0.53	0.42
Factor 4: Judicial Enforcement & Procedures	0.50	0.54	0.69	0.56	0.51
Pillar II: Compliance by Environmental Issue	0.46	0.53	0.80	0.73	0.38
Factor 5: Air Quality & Climate	0.35	0.49	0.62	0.64	0.31
Factor 6: Extraction & Mining	0.47	0.50	0.74	0.72	0.32
Factor 7: Waste Management	0.41	0.44	0.90	0.77	0.33
Factor 8: Water	0.55	0.60	0.85	0.85	0.48
Factor 9: Biodiversity & Forestry	0.49	0.60	0.90	0.65	0.48

Performance is measured on a scale of 0 to 1, with 1 being perfect adherence to environmental rule of law.





COUNTRY SCORE

1.99

Pillars scores

Access to information

2.44

Public participation

1.43

Access to justice

2.08



POPULATION

48.3 Million



INCOME LEVEL

Upper middle income



HUMAN DEVELOPMENT

INDEX

98/187

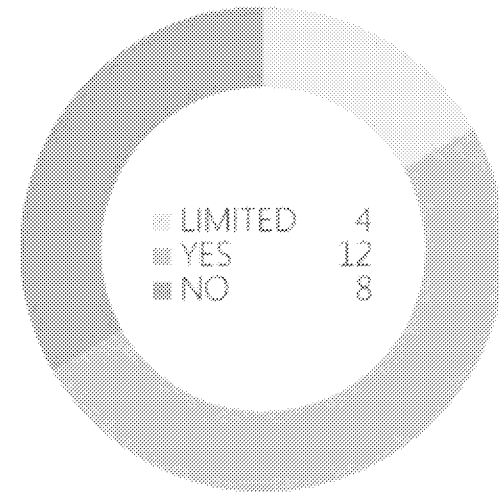


ENVIRONMENTAL

PERFORMANCE INDEX

85/178

PRACTICE TOTAL SCORES



To Improve - Public Participation: While most decisions assessed require there to be opportunities for public to participate, the **government is rarely required to proactively seek public participation or to inform the public about these opportunities.** If these steps are not taken in practice, the public's awareness of these opportunities may be lacking.

EIA Regulations: Decree 2820 of 2010 and Decree 330 of 2007

- “The Colombian EIA regulations ***require the environmental authority to make the EIA available to the public within five days of receiving it.*** The Institute of Hydrology, Meteorology and Environmental Studies is required to ***make available to the public any environmental information that has been produced from studies or monitoring from the EIA process.*** The ***draft EIA is made available for public commenting*** through the Internet or at the Ministry office. The public ***can be involved in the EIA scoping process*** although the environmental authority ultimately determines the scope. In relevant cases, the authority is required to consult indigenous and Africandescent communities (Decree 2820, Article 15).
- “The ***Colombian public may also participate in public hearings on the environment*** under Decree 330116 (2007). ***Hearings can be requested by a petition of 100 persons or 3 non-profits, as well as by government agencies and elected officials.*** The opinions, information, or documents that the public presents at the public environmental hearing is required by this decree to be given due account by the environmental authority.”

[UNEP Rio Principle 10 Implementation Guide 2015

<https://wedocs.unep.org/bitstream/handle/20.500.11822/11201/UNEP%20MGSB-SGBS%20BALI%20GUIDELINES-Interactive.pdf?sequence=1&isAllowed=y> pg 76]

Land Disputes

Oxfam Colombia's Andres Fuerte May 23, 2018 IAWG Meeting

- Land concentration ***at center of the armed conflict***, as cause and consequence.
- Historically, ***distribution of landholdings has been highly concentrated***. Colombia is now the most unequal country in Latin America in terms of land distribution.
 - Top 1% of largest properties control 81% of land; 800,000 rural families have no access to land.
 - Indigenous, Afro-Colombian and campesino communities (in particular rural women) have less access to land.
 - Distribution is ***getting more concentrated***: In 1960, 29% of farms were over 500 hectares; in 2002, was 46%; in 2017, 66%.
 - Only 8.5 million hectares being used for farming crops, although 22 million hectares are considered suitable.
- **Multiple Competing pressures for Land:**
 - ***Cattle Ranching***: 34.4 million hectares are being used for livestock, only 15 million hectares are suitable.
 - ***Large-scale monoculture agriculture for export***: Agro-industrial crops cover 35% of land in 2016.
 - ***Extractive Industries***: In 2014, existing mining and oil drilling licenses put restrictions on six million hectares of land for distribution

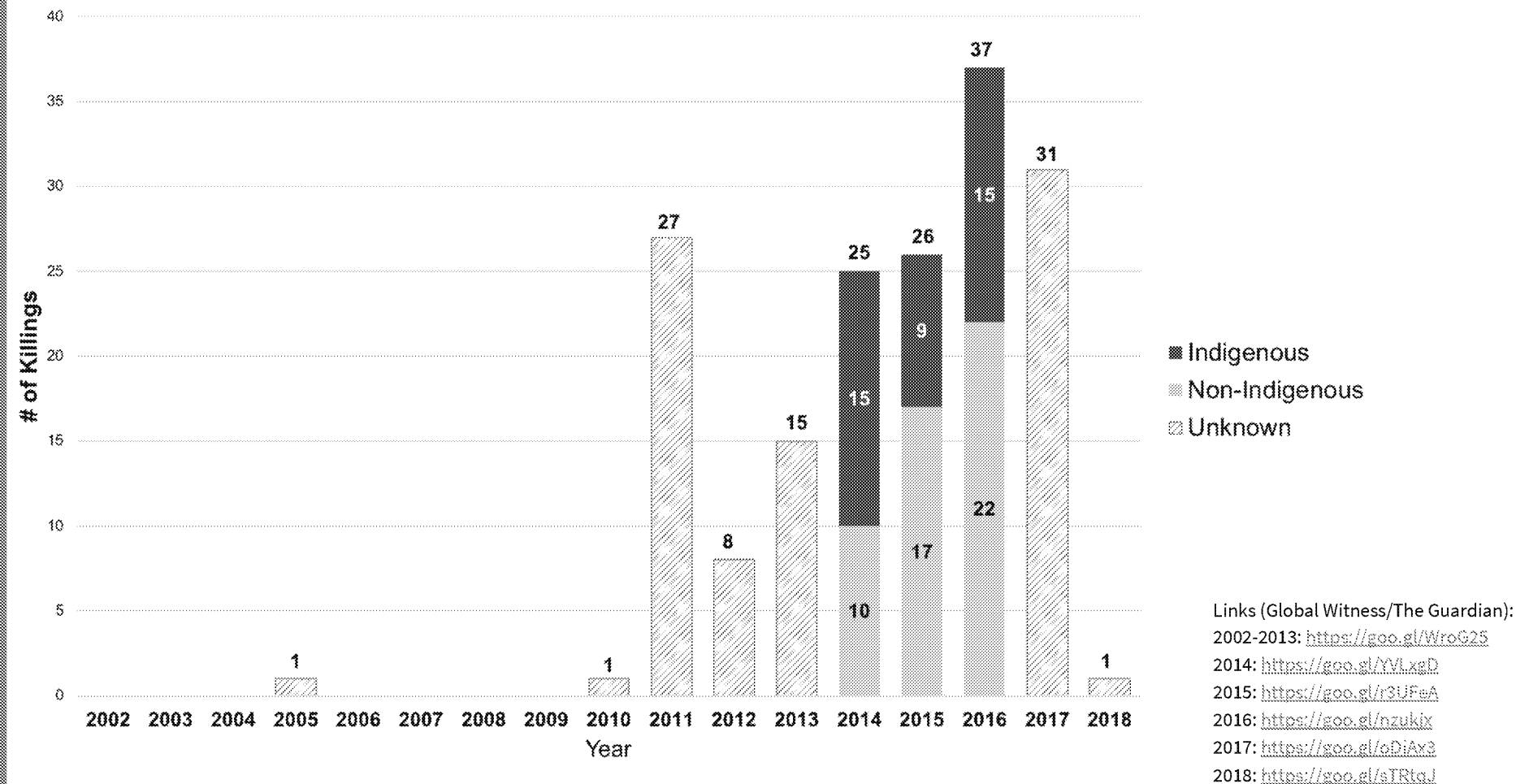
<https://www.conftool.com/landandpoverty2018/index.php?page=browseSessions&presentations=show&search=Fuerte>

Violence Growing Against Environmental and Land Defenders

- NGOs and international organizations, including the UN and the Inter-American Commission on Human Rights (IACHR), have expressed concerns about increased violence against human rights defenders in Colombia.
 - The UN Office of the High Commissioner for Human Rights in Colombia reported 73 human rights defenders were killed in 2017, including land rights leaders and environmental activists, compared to 63 in 2016.
 - NGOs like Global Witness report increased violence against defenders has also affected environmental and land defenders. In Global Witness's 2014, 2015, and 2016 reports, Colombia ranked second, third, and second, respectively, in terms of the number of killings of environmental and land defenders documented by the NGO and its partners.

Global Witness – Killings of Environmental/Land Defenders in Colombia Since 2002

Note: Global Witness (GW) updates numbers as new information becomes available; graph is not from Global Witness, but based on its reports.





UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

UN Statements

Colombia: UN Assistant Secretary-General for human rights urges effective protection of rights defenders amid continued attacks

BOGOTA/NEW YORK (9 October 2017) – UN Assistant Secretary-General for human rights Andrew Gilmour on Monday welcomed progress in the demobilization and disarmament of the FARC, but **expressed concern about problems in the implementation of the accords which relate to the continued attacks against human rights defenders and community leaders**. At the end of a six-day visit to the country, Gilmour acknowledged the Government's efforts to adopt policies aimed at preventing such attacks, but said the efforts had yet to produce significant results.

"The armed conflict with the FARC may be over, but **the country's incredibly brave human rights defenders continue to be threatened and killed at an alarming rate**," he said. "These attacks threaten the long-term stability that Colombia so desperately needs." Since the beginning of this year, **there have been more killings of human rights defenders, social and community leaders, particularly in areas formerly occupied by the FARC, than in previous years**.

"After decades of extreme violence, and victims numbering millions, Colombia needs the voices of its human rights defenders to speak up strongly for its democratic values and for those who are particularly vulnerable, including women, Afro-Colombians, LGBTI people and indigenous leaders, especially those in former FARC areas," Gilmour said.

Gilmour called on the Government, congress and the justice system **to take measures that would leave the authors of these crimes in no doubt that they will be vigorously investigated, prosecuted and punished**.

"And we are speaking here not just of those who pulled the trigger, but also those who ordered or paid them to do so.

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22215&LangID=E>

Inter-American Commission on Human Rights

March 27, 2018 **IACHR Urges Colombia to Adopt Urgent Measures to Protect Human Rights Defenders and Social Leaders**

-- ***Expresses concern over the high number of murders of human rights defenders and social leaders registered this year in Colombia.***

-- ***Urges the State to adopt urgent measures to protect those who defend human rights in the country, as well as to carry out diligent investigations that take into consideration the victim's activity as a human rights defender.***

-- According to the Ombudperson's Office, 22 human rights defenders were assassinated in Colombia over the first months of 2018. The majority of those murders were focalized against human rights defenders who are in a ***special situation of vulnerability, located in remote areas where armed conflicts have historically been more intense.*** Moreover, some civil society organizations indicate that those murders have occurred within a ***context of grave violence, including the registration of more than 140 threats concerning members of social and community organizations, and more than 2,500 displacements.***

-- As for perpetrators of those murders, the ***Nation's Chief Prosecutor*** has indicated, in December 2017, that he has identified the ***presence of "self-defence" strongholds which could be acting systematically to some degree in several regions of the country.***

-- The Commission observes that ***since the implementation of the peace agreements, the murders of human rights defenders have increased persistently.*** According to an Ombudperson's report, between January 2017 to February 2018, there have been 121 murders of human rights defenders. The Commission observes with concern that ***plenty of those murdered human rights defenders carried out actions aimed at implementing the peace agreements related to land distribution.*** In addition, the ***Commission has received consistent reports indicating that indigenous and Afro-Colombians human rights defenders are exposed to aggravated violence.***

http://www.oas.org/en/iachr/media_center/PRelacac/2018/085.asp

SR Forst Reports 2017 and 2016

“15. Their important work notwithstanding, defenders are increasingly subject to attacks by States and business -enterprises. Such attacks have taken place in all sectors and all regions. Based on the 450 cases documented by the Business and Human Rights Resource Centre in 2015 and 2016, ⁵ the most common form of attack is criminalization, followed by killings, intimidation and threats. ⁶ More than 52 percent of the documented attacks took place in Latin America: Guatemala (10 percent), **Colombia** (10 percent), Mexico (9 percent), Brazil (9 percent), Peru (8 percent) and Honduras (6 percent). ⁷”

- UN Special Rapporteur on the Situation of Human Rights Defenders Michel Forst, "Situation of human rights defenders" A/72/170 (July 19, 2017)

<http://undocs.org/A/72/170>

The most dangerous countries for EHRDs :



http://ap.ohchr.org/documents/dpage_e.aspx?m=70&m=16
6

Statement to UN Before Universal Periodic Review in May 2018

- Since the signing of the Peace Agreement, we have seen an escalation in the number of attacks and killings of HRDs along with evidence of a systematic pattern in the profiles of the HRDs being killed, namely, leaders associated with activities in defence of land and the environment, and those working on the implementation of the Peace Agreement in rural areas.
 - According to the UN Refugee Agency, 78 HRDs were killed in Colombia between 1 January and 17 November 2017. There is evidence to show that many of those opposing land restitution to the victims of the conflict are former paramilitaries or powerful landowning families who benefit from local systemic corruption and rely on neo-paramilitary groups to obstruct the land claims processes.
- In November 2017, Jeffrey Feltman, UN Under-Secretary-General for Political Affairs, expressed his deep concern regarding the reported vacuums of authority in many areas of Colombia and the resultant insecurity for communities. He recognised these as the areas where social leaders were being targeted and killed. Feltman points out that the “authorities themselves confirmed rising levels of violence”.

[ABCColombia <https://goo.gl/fkRPuE>]



Physical Attacks

In Colombia in 2016 dozens of HRDs were killed, ***many in connection to business & human rights issues.***

- For instance, Erley Monroy, who ***led the opposition against the fracking industry*** in Caquetá, was killed, and a colleague of his suffered an assassination attempt;
- an Afro Colombian leader ***opposing mining operations in Cesar***, including by Drummond, was killed - the company denied any responsibility in the case;
- a lawyer ***representing informal miners*** was shot dead in Antioquia – the company that was involved in negotiations with the group he represented, Gran Colombia Gold, didn't comment on the case.

According to the Inter-American Commission on Human Rights, only in 2015, 54 HRDs were killed in Colombia and dozens have been subject to death threats, in a context in which peace talks advanced and a series of reforms, including ***granting land rights to millions of internally displaced people, involved many companies with claims to those lands.***

<https://www.business-humanrights.org/en/focus-on-human-rights-defenders-under-threat-attack>

NGO Statements at June 2017 IAWG Meeting

Why violence against environmental and land defenders is increasing in Colombia

- Government's **post-conflict development strategy relies heavily on international investment.**
- **Former FARC territory, newly demilitarized, appeals strongly to mining and agribusiness interests, whose** forays into new rural regions **accompanied by the rise of illegal armed groups.**
- In absence of political/military conflict, **environmental and social conflicts are intensifying, and social protest is increasingly criminalized.**
- A special "**anti-riot police force**" (part of the interior ministry and distinct from the civil police force) is used as a sort of legal loophole to conduct the government's repressive "dirty work."

Primary power brokers in Colombia:

- The **environmental ministry is relatively weak.**
- **Local authorities tend to have significant power** and little incentive to support activists. To support local activists, they must have a keen understanding of the issues at hand and a strong sense of integrity.
- The **locus of the problem, including the most pervasive corruption, is at local level.** The decision to send in "riot police" is made at the local level (either by the mayor of the municipality or the governor of the department).
- **Most community members** are **quite familiar with the benefits of intensive development** (e.g. government revenue and other economic benefits) and **less familiar with the risks.**

Requests for United States

- The implementation of the peace agreement should coincide with efforts to investigate and dismantle the "neo-paramilitary groups" proliferating in the vacuum left by the departure of FARC.
- The Colombian government must recognize the issue [of violence against environmental defenders] and publically track the results of the ongoing land restitution process.
- U.S. Embassies and other U.S. institutions could offer **clear messaging that helps relieve the stigma surrounding environmental defenders.**

PBI EXPRESSES ITS CONCERN REGARDING THE INCREASE OF RISKS FOR HUMAN RIGHTS DEFENDERS

...as an exception, we are publishing this announcement, due to **the serious humanitarian crisis and lack of protection** within which communities in the Colombian territories are currently living, which include combat situations between illegal armed groups,¹ wide-spread death threats² and generalised forced displacements³ within the recent weeks in different areas of the country. In the **river basins of the Bajo Atrato**, the ethnic communities accompanied by the Inter-Church Justice and Peace Commission (CIJP) have lost two of their most emblematic leaders in the past 12 days. On 8th December 2017 land claimant Hernán Bedoya was killed in the collective territory of Pedeguita y Mancilla, as well as Mario Castaño Bravo from La Larga Tumaradó on 26th November. Both were land claimants threatened due to their work denouncing economic interests in their territories and for their resistance against forced displacement.

- PBI has historically accompanied both processes through CIJP and has installed international presence in the region of Bajo Atrato for **over 20 years**.⁴ As well as expressing deep sadness due to the killing of both leaders, we see these recent events as an alarming increase in the generalised situation of risk that human rights defenders are living under; risk that we consider will rise during the festive period at the end of the year and with throughout the electoral campaigns given the little attention these issues will receive.
- **Despite the fact that the territories of both land claimant leaders are situated in a region where the Colombian Military Forces exert control through a strong territorial presence with different military operations,⁵ it has not been possible to avoid such killings.** The presence of civil State Institutions is almost non-existent given the lack of security guarantees that the entities themselves highlight.⁶ In this context, in the field we come across check points and graffiti with the acronyms of the illegal armed groups, amongst which those of the Autodefensas Gaitanista de Colombia (AGC).⁷
- Despite national and international entities having raised the issue of the killing of Mario Castaño Bravo on 27th November, less than two weeks later a second land claimant leader is killed; **all of this within half an hours distance from Police stations and Army settlements** of the 15th and 17th Brigades.
- PBI notes with great concern that, **despite the reiterated alerts and recommendations throughout 2017 from multiple organisations,⁸ international organisms and States as well as from the high national and international Courts,⁹ advances by the Colombian State in terms of offering true prevention and protection guarantees have been insufficient and lack territorial, differential and gender focuses,¹⁰ as well as the fact that their implementation is unknown in the territories.**

<https://pbicolombia.org/2017/12/13/public-pronouncement-13th-december-2017/>

May 30, 2018: 73 U.S. Lawmakers Urge President Trump to Protect Colombia Human Rights Defenders Amid Violence

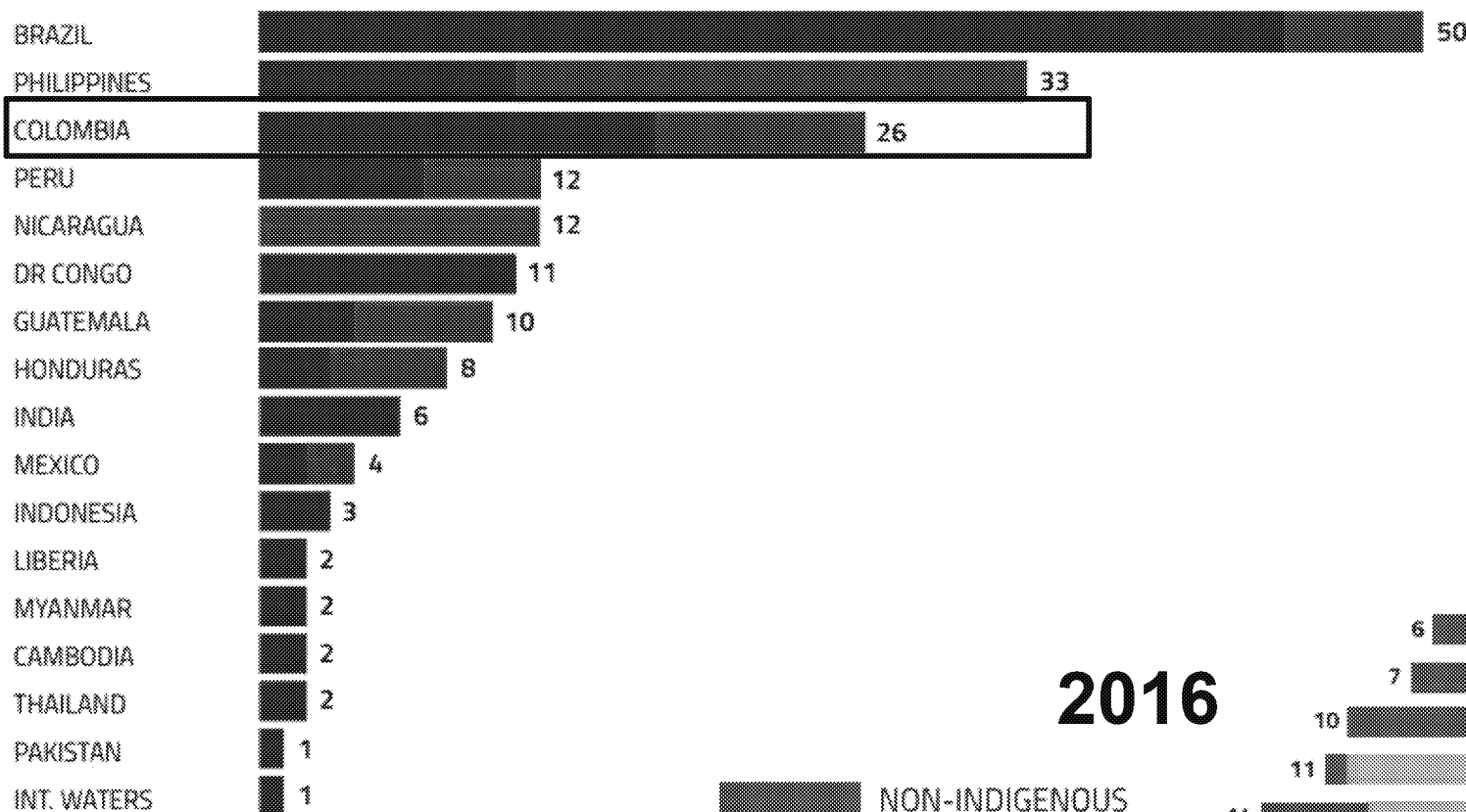
- “The letter calls on the Trump Administration to use the resources of the State Department, U.S. Agency for International Development and all other related U.S. departments and agencies ***to speak with one voice and actively support the security and protection of human rights and social leaders and their communities***. The lawmakers, including 14 Ranking Members of key House Committees, emphasized that resolving this crisis is essential to the national security and economic interests of both the United States and Colombia.”

[McGovern <https://goo.gl/kjuX1V>]

- “More specifically, we urge the State Department and USAID ***to provide more resources for investigations, prosecutions and protection*** and to guarantee full compliance with the U.S. conditions on military assistance to Colombia. This should include increased support to the UNHRO-Colombia, the Human rights Ombudsman (Defensoría del Pueblo), the Inspector General (Procuraduría), the Interior Ministry’s National Protection Unit, and the Attorney General’s Office (Fiscalía General) in the form of technology, technical support, aid for administrative salaries and logistical expenses so they can increase their coverage throughout the country. It is especially important that within the Attorney General’s Office that the Special Unit to Dismantle Organized Crime and Paramilitary Successor Groups and the Human Rights Unit demonstrate concrete results.”

Global Witness Reporting – Comparison with Other Countries 2015-2016

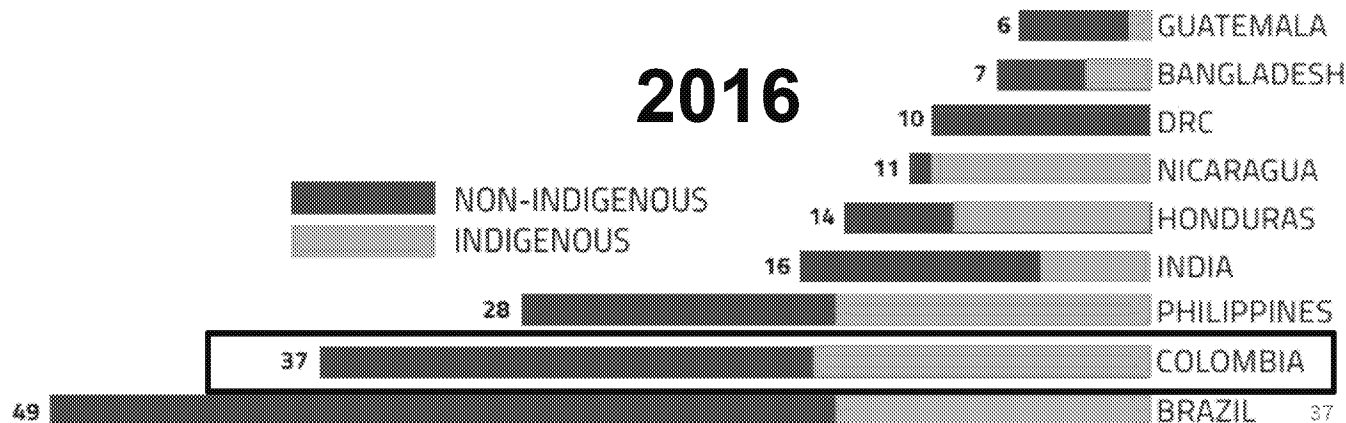
■ NON-INDIGENOUS
■ INDIGENOUS



1 ■ ZIMBABWE
1 ■ VIETNAM
1 ■ UGANDA
1 ■ THAILAND
1 ■ TANZANIA
1 ■ PAKISTAN
1 ■ MALAYSIA
1 ■ IRELAND
1 ■ CHINA
1 ■ CAMEROON
2 ■ SOUTH AFRICA
2 ■ PERU
2 ■ MYANMAR
3 ■ MEXICO
3 ■ IRAN

2016

■ NON-INDIGENOUS
■ INDIGENOUS



2015: <https://goo.gl/r3UFaA>

2016: <https://goo.gl/nzukjx>

Global Witness Reporting – Comparison with Other Countries 2017



[The Guardian <https://goo.gl/w9XLhs>]

Sectors and Cases

The following information is based on open-source information, which is by its nature incomplete. We will revise the PowerPoint as more information becomes available.

More information *desired*

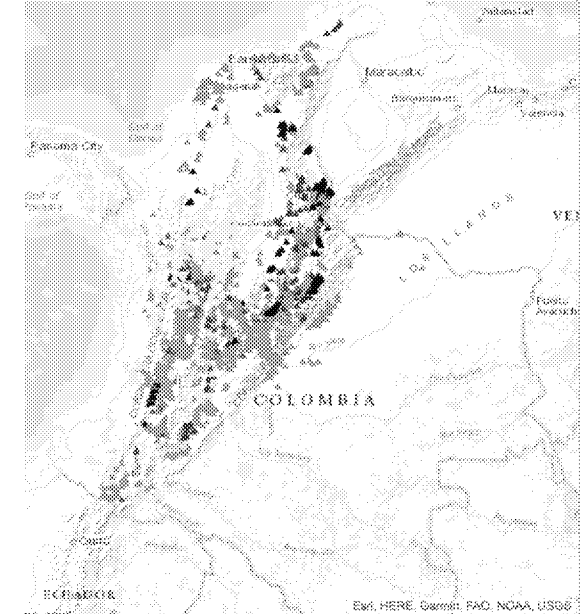
More information *needed*

Sectors and Cases

- Mining
- Oil
- Hydropower
- Land

Mining Sector

- 1991: Colombian Constitution deems all subsoil and non-renewable resources as state property [Vattenfall <https://goo.gl/1vQ8Va>]
- Overseen by the Ministry of Mines and Energy (MINMINAS)
- Sector activity [OECD 2016 <https://goo.gl/pU2BFF>]
 - Coal: ~75%
 - Nickel 5%
 - Gold 5%
 - Other minerals (silver, platinum, tin, non-metallic minerals) 15%
- According to National Mining Agency in 2016, **“of 114 million hectares in the territory of Colombia, 5% were under mining license, 2.3% were in exploration phase, and 1.1% were in production stage”** [Vattenfall <https://goo.gl/1vQ8Va>]



Mining titles

Black: coal

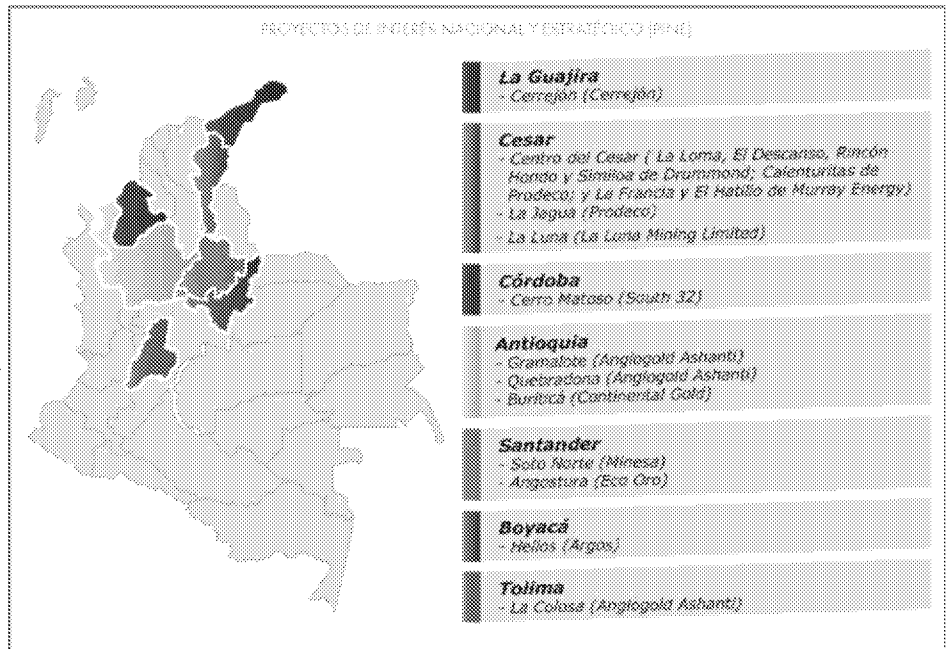
Yellow: gold

[UPME

http://sig.simec.gov.co/UPME_MI_minas/]

Mining Sector: Government Priority

- August 2013: **Colombian Government** created “**Projects of National and Strategic Interest (PINE)**” designation [MINMINAS <https://goo.gl/VcHJvF>]
 - Q4 2017 MINMINAS PINE report listed nine projects: Buriticá, *La Colosa*, Soto Norte, Helios, *Centro del Cesar*, *La Luna*, *La Jagua*, *Cerro Matoso*, *Cerrejón* (projects in italics are included in this presentation)



PINE projects
[MINMINAS <https://goo.gl/VcHJvF>]

- “**Mining could become Colombia’s economic growth engine** with investments of at least \$1.5 billion a year over the next five years **if the government guarantees legal certainty** to businesses, the industry’s top representative said.” [Reuters May 2017 <https://goo.gl/V4UwAu>]

Mining Sector: PowerPoint Case List

Company/Project/Individual Name	Mine product	Department	Defender/case Details
Cerrejón Mine	Coal	La Guajira	
- Wayuu community			
Centro del Cesar Mines	Coal	Cesar	
- El Hatillo, Boquerón, Plan Bonito communities			Involuntary resettlement
- Nestor Ivan Martinez			Defender killed
La Colosa Mine	Gold		
Gran Colombia Gold	Gold	Caldas/Antioquia/Nariño	
- William Garcia Cartagena		Antioquia	Defender killed
- Fabio Hernan Torres Cabrera		Nariño	Defender killed
Cerro Matoso	Nickel		
Francia Marquez	Illegal mining	Cauca	Death threats, Goldman Prize winner
Yolanda Maturana	Illegal mining	Risaralda/Chocó	Defender killed
Manuel Dolores Pino Perafán	Illegal mining	Cauca	Defender killed
Gustavo Alberto Suarez Osorio	Illegal mining	Antioquia	Defender killed

Not all of these cases may be environmental defender cases, and there are many more cases that we have not included.

Mining Sector Regulations

2001 Mining Code declares mining a “**public interest,**” which “**takes precedence over any other activity, which has the potential to undermine environmental protection laws**”

- Article 34: “allows for authorities to remove the environmental protection awarded to national forest reserves for the purpose of mining”
- Article 37: “prevents municipal authorities from prohibiting mining, even if it competes with other interests in their jurisdiction.”
 - Municipal authorities have the right to organise Consultas Populares (local referenda) that have the power to prohibit the commencement of mining activities
- Prior Mining Codes required an environmental impact study before a project’s exploratory phase, EIS is now required after exploratory stage and before exploitation phase

[Vattenfall <https://goo.gl/1vQ8Va>]

- 2012: **Royalty system changes, now collected by central government**; funds are routed to regions through Central System of Royalties [OECD <https://goo.gl/xK8WQu>]
- 2014: **Expedited environmental impact assessment process passed** (Decree 2041) [Vattenfall <https://goo.gl/1vQ8Va>]

Social Conflicts Between Communities and Mining Ventures

- **Core source of social conflict between communities and those conducting mining activities is the perception that the communities do not benefit from the wealth generated by mining, due to high levels of corruption.**
 - In 2011, more than 100 mayors (out of 1123 municipalities) were punished by the Inspector General.
- The **disappearance of royalties accruing from mining licences into private hands is well-documented.**
 - In La Guajira, where three previous governors were convicted following corruption charges, the percentage of people living in extreme poverty increased, even as the department took in significant royalties.
 - In Cesar, La Jagua de Ibirico is renowned as one of the most corrupt municipalities in Colombia. Investigations by the Contraloría General de la República (Colombian Comptroller's Office) revealed **irregularities in the use of funds and awarding of contracts. Several mayors have been jailed on charges of corruption. Despite being the municipality that receives the most royalties in a department whose relative wealth accrues from coal mining and its royalties, living conditions for La Jagua's inhabitants have not improved, and development has not occurred as anticipated.** For example, from 1997 to 2003, the town received about 100 billion pesos (around USD35 million) from royalties but never received clean drinking water. This prompted the Ombudsman's Office to ask the Anti-Corruption Office of the Presidency to investigate corruption in the management of coal royalties in Cesar.
- High levels of corruption at the regional level prompted the central government to take back powers from regional authorities. From an environmental-monitoring perspective, this meant that the **Agencia Nacional de Licencias Ambientales (Environmental Licensing Authority, or ANLA) took over responsibilities such as monitoring or licensing that were previously held by regional authorities.**

[Vattenfall <https://goo.gl/1vQ8Va>]

Social Conflicts Between Communities and Mining Ventures

- “The **system for collecting royalties in Colombia, as a result, was changed in 2012**. Royalties are **now collected by the central government**, which then routes the funds to the regions via the General System of Royalties. However, a 2015 report by the OECD found that the **current system of resource administration fails to incentivise regional authorities to improve their capacity to make public investment**.
 - “Recent investigations by the Comptroller General revealed cases of corruption relating to the misuse and diversion of public funds in the mining corridor from 2012 to 2015 in Cesar’s municipalities of La Jagua del Ibirico, Becerril, and Agustín Codazzi. In La Jagua, the Comptroller General found irregularities of more than 127 billion pesos in the construction of social housing and 2.4 billion pesos of overcharges in the School Food Programme.
- “The OECD has also highlighted the **poor coordination, conflicting agendas, and lack of trust in the judicial system and among institutions that fight corruption, citing a lack of independence, susceptibility to political agendas, and overall ineffectiveness**.
- “While Colombia’s justice system faces significant challenges with respect to punishing crimes of corruption (including within the judiciary) and violence against trade unionists, among other victims, **recent data suggests that better access to justice and speedier case resolution have begun to improve matters**. Some judicial institutions now enjoy high approval ratings, including the Constitutional Court, whose role is to uphold the social and economic rights of individuals.
- “An increase in transparency is seen as a fundamental step to win citizens’ trust, and the government has already taken action.
 - “Colombia’s accession to the Open Government Partnership (OGP) in 2012 entailed commitments on access to information and e-government.
 - “Regarding accountability and citizen engagement, a **new Law on Transparency and Access to Public Information** was promulgated.”

[Vattenfall <https://goo.gl/1vQ8Va>]

Contradictions Between FPIC and Mining Code

“There are a number of challenges related to definitions, legal consistency, and perceived contradictions between FPIC and the Mining Code

- “In general, laws and regulations frequently overlap and contradict one another. According to civil society, “Law 685 of 2001 (commonly known as the Mining Code) conflicts with a number of other national policies, including Constitutional protections to Indigenous Peoples and safeguards for the environment.” ***They argue that Colombia appears to have moved in the direction of facilitating foreign direct investments (FDI) in mining to the extent of creating “Strategic Mining Areas” to be auctioned to multinational corporations, threatening the survival of indigenous people.***
- “There are ***no clear guidelines or rules for the companies to apply because the right to FPIC, even if guaranteed by law, is not regulated.*** This has generated ***inconsistent approaches and led to numerous court cases and a plethora of jurisprudence that is open to interpretation.***
- “Not all indigenous communities are registered as “indigenous”, and some are hence not recognised by the government as such. Consequently, it is ***unclear which communities are entitled to FPIC.***
- “The decision resulting from the FPIC is also not recognised as binding for the state. However, the ***Inter-American Court on Human Rights has declared that there are three cases in which a decision from the community should be binding*** (Sentencia T-129/2011):
 - When the process requires resettlement;
 - When the process requires storage and disposal of toxic material;
 - When there are high environmental, social, and cultural impacts that put at risk the existence of the community.”

[Vattenfall <https://goo.gl/1vQ8Va>]

Coal

- Colombia has **largest coal reserves in Latin America** [Library of Congress 2007 <https://goo.gl/xkNy7R>]
 - As of Q3 in 2017, coal accounted for 66.06% of the mining sector and 1.25% of GDP [MINMINAS <https://goo.gl/rDCkqg>]
- Colombia **exported 92.1%** (83.3 million tons) of the coal it produced in 2016 [International Energy Agency 2017 <https://goo.gl/vjdmBW>]
 - **Fourth-largest coal exporter in the world**
 - Traditionally, primary export markets are **Europe and North America**; exports to Asia grew in 2016
- November 2017: Vattenfall releases report “A Human Rights Risk Assessment in Colombia: Vattenfall’s Efforts on Coal Supply Chain Responsibility” <https://goo.gl/1vO8Va>
 - Coal production occurs primarily in departments of La Guajira, Cesar, Cundinamarca, Boyaca, and Norte de Santander; highest concentration of coal mining activities occurs in Cesar
- Coal sector dominated by **large-scale open pit activities** [Vattenfall]
- The **mid 2000s were characterised by a lack of compliance with environmental legislation by coal mining companies including issues related to hazardous discharges in water, pollution due to poor disposal and treatment of particulates, the lack of solid waste management plans and permits for water abstraction for rivers, etc.** [Vattenfall]

Coal – No National Policy Aligned with WHO on Pollution

- 2013: “**Constitutional Court** (ST 154 / 2013127) mandated that the Ministry of Environment “coordinate with relevant institutions and build a **comprehensive national policy** aligned with the [World Health Organization] and other international institutions with the objective of **optimising pollution prevention and control caused by the exploitation and transportation of coal**.”
- “This has not been satisfied by the authorities, despite reminders issued by the Comptroller General’s office.
- “This ruling is also **being used by civil society to declare that any monitoring that does not follow the guidance of the WHO or, in fact, any license being considered by the Agencia Nacional de Licencias Ambientales (Environmental Licencing Authority, or ANLA) is illegal because neither the Ministry of the Environment nor the ANLA has followed the order.**”

[Vattenfall <https://goo.gl/1vO8Va>]

Coal – Communities Harmed by Pollution, Water Impacts

- “According to civil society organisations such as Forumsyd and Tierra Digna, communities are being negatively affected by the environmental impacts of mining activities, indicating that coal production in Cesar and La Guajira departments contributes significantly to such impacts.
- “The two most debated environmental effects in these regions are:
 - “The **impact of dust and particulate air emissions** contributed by coal-mining operations, compared to other sectors, as monitored through air-monitoring installations. **Air pollution is the prime reason authorities decided to involuntary resettle communities in Cesar Department;**
 - “**Impacts on water, water use, and access to drinkable water for local communities, especially for people that live in semi-arid and arid areas** such as La Guajira.
- “Environmental impacts also occur outside the areas in which mining activities are performed via transportation routes and port facilities in the Magdalena and La Guajira departments.
 - “For example, in January 2014, the government halted coal shipments from a port in Magdalena until the facility could be improved so as to prevent the contamination of nearby beaches.
- “Currently, **neither government nor scientific studies comprehensively measure the impact of coal-mining activities on the environment and surrounding communities in La Guajira or Cesar.** According to the Constitutional Court, ‘it is evident that levels of environmental monitoring over coal mining activities by the authorities is insufficient and ineffective.’”

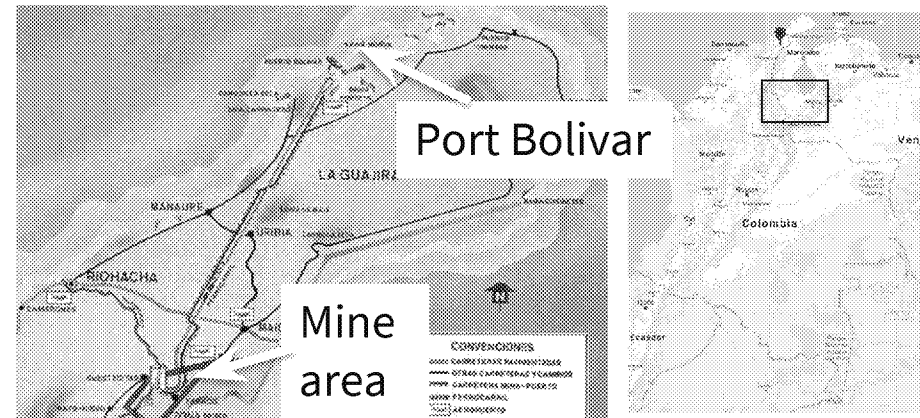
[Vattenfall <https://goo.gl/1vQ8Va>]

Cerrejón Open-Pit Coal Mine (La Guajira Dept)

- **Largest coal mine in Latin America**

[BankTrack <https://goo.gl/tidHH2>]

- Located in southeast of La Guajira near Ranchería River
- Equally owned by BHP Billiton (Australia)/Glencore (Switzerland)/Anglo American (UK); all 33.3% [Cerrejón <https://goo.gl/TX29aO>]



Mining Technology <https://goo.gl/wM83pa>

- 1976: INTERCOR (ExxonMobil subsidiary) **signs contract** with CARBOCOL (state-owned company) **for exploration, construction, and production of Cerrejon North Zone** [Cerrejón <https://goo.gl/xKBup5>; Colombian Central Bank <https://goo.gl/JvKCzR>]
- 1986: Production starts
- 1997: **Eviction of Tabaco community begins** [Observatory of Mining Conflicts in Latin America <https://goo.gl/6vVSHG>]
- 1999: Colombian government **extends contract 25 years**, until 2034 [Cerrejón <https://goo.gl/xKBup5>]
- 2001: Inhabitants of Tabaco village forcefully evicted due to expansion of operations, as of 2017 **community still not entirely resettled** [Vattenfall p.38 <https://goo.gl/1vO8Va>]
- May 2002: The **Supreme Court of Justice orders the mayor of Hatonuevo to offer housing solutions to evicted residents of Tabaco 2002**. As of 2017, the **order has not yet been fulfilled** on grounds that the municipality lacks resources [Vattenfall p. 35]
- 2002: ExxonMobil sells all shares to to BHP/Glencore/Anglo American [Cerrejón <https://goo.gl/xKBup5>]

Cerrejón Mine: Communities Evicted as Mine Operations Expand

- 2006: IACHR receives petition from municipality established due to Cerrejón alleging that 30 gov't officers (including from Army) conducted authorized raid that resulted in three deaths and other assaults; 2014, IACHR determines case is admissible [IACHR <https://goo.gl/v1yrbU>]
- 2006: Tamaquito II community requests resettlement due to “isolation as nearby communities were resettled by Cerrejón” [Cerrejón response to CINEP report 2016 <https://goo.gl/swB1Lo>]
- 2006: Chancleta and Patilla communities begin resettlement [Cerrejón Sustainability Report 2015 <https://goo.gl/SFIWt>]
- 2007: Tamaquito II community resettlement begins; 100% of families moved to new site by August of 2013 [Cerrejón Sustainability Report 2015]
- 2011: Company proposes large expansion, increased production approx. 20% but will need more land and water [BHP <https://goo.gl/hBuC9U>; Peace Brigades International <https://goo.gl/ReneZL>]
- August 2013: designated as Project of National and Strategic Interest (PINE) [MINMINAS <https://goo.gl/VcHJvF>]

Cerrejón Mine: Environment-Related Community Conflict



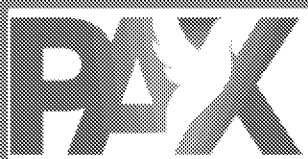
Jakeline Romero [Global Witness]

Opposition from surrounding Wayúu community on basis that Cerrejón tried to divert a local water source (2014); has also polluted and contaminated water; did not consult local communities [Global Witness <https://goo.gl/nzukjx>]

- Varying groups outspoken against Cerrejón, such as women’s group Fuerza de Mujeres Wayúu: Angelica Ortiz (General Secretary of Fuerza de Mujeres Wayúu (Wayúu Women's Force) and Jakeline Romero (member) actively protesting Cerrejón
- May 2015: Colombian Constitutional Court holds “Cerrejón directly responsible for impacting [Patilla and Chancleta communities’] right to water and right to food” [Vattenfall p.38 <https://goo.gl/1vQ8Va>; Con. Court T-256/15 <https://goo.gl/PJRO7v>]
 - 2014: Case in municipal court

Cerrejón not mentioned in following cases, but community affected:

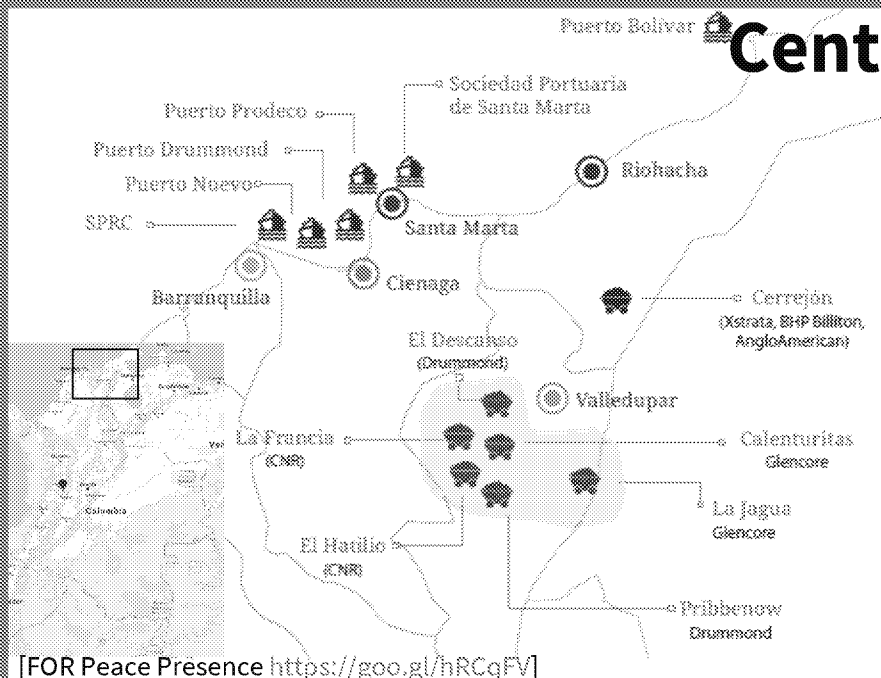
- December 2015: IACHR directs GoC to adopt precautionary measures in favor of children in Wayúu communities after “alleged lack of access to drinking water and malnutrition” “allegedly caused the death of 4770” children in the last 8 years [IACHR PM 51/15 <https://goo.gl/3YJPSd>]
 - August 2017: IACHR extends precautionary measures to include pregnant and nursing women [IACHR <https://goo.gl/tkRbSW>]
- August 2016: Constitutional Court orders State of Colombia to ensure adequate access to quality drinking water [Con. Court T-466/16 <https://goo.gl/8wwxUy>]
- December 2016: Constitutional Court decides consultation was done improperly for the Port Bolivar expansion project and must be carried out with a first pre-consultation meeting within 48 hours of the ruling [Con. Court T-704/16 <https://goo.gl/4DLFeh>]
 - Case filed under terms of lack of FPIC
 - Meeting must be proposed by the company and National Authority for Environmental Licenses with appropriate participation from affected communities
- August 2017: Constitutional Court orders Cerrejón to conduct new technical study and consult with communities, must stop diversion of Bruno Stream [Con. Court A419-17 <https://goo.gl/EU1mji>]
 - Operations suspended until study is completed



History of Violence in Cesar Dept

- Highest concentration of coal mining activities occurs in Cesar [Vattenfall <https://goo.gl/1vQ8Va>]
- 3 mining companies operate in department of Cesar [PAX 2014 p.16 <https://goo.gl/qGSHFb>]
 - Drummond, Ltd (wholly owned subsidiary of Drummond Company, Inc. [Alabama-based])
 - Prodeco Group (wholly owned subsidiary of Glencore Plc. [Switzerland-based])
 - Colombian Natural Resources (CNR) S.A.S, owned by Murray Energy Corp (Ohio); acquired in 2015 [Vattenfall <https://goo.gl/1vQ8Va>]
- Autodefensas Unidas de Colombia (AUC), including the Juan Andrés Álvarez (JAA) Front responsible for most of the violence during 1996-2006 in Cesar Dept [PAX <https://goo.gl/qGSHFb> p.25]
 - In this time period, “at least 499 civilians in the Cesar mining region were killed in massacres committed by the JAA Front”
 - PAX estimates that the JAA Front “committed at least 2,600 selective killings in the Cesar mining region”
- According to PAX, likely that Drummond and Prodeco were aware of paramilitary violence given its level [p.29]

Centro del Cesar Mines (Cesar Dept)



- Six open-pit mines (see yellow highlight), owned by Drummond Coal Company (based in Birmingham, AL), Prodeco (Glencore, Anglo-Swiss), Murray Energy Corporation (Ohio) [MINMINAS <https://goo.gl/7EYJ64>]

– Each company owns 2 mines

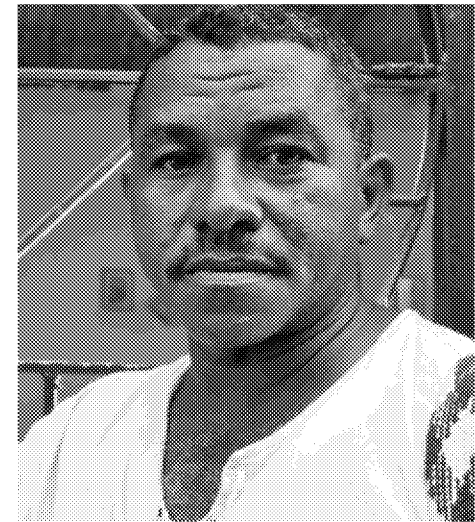
- 2002: Drummond sued by Colombian union over 3 killings of union workers [NY Times <https://goo.gl/mgPziS>]
 - A union in Colombia and the families of the dead leaders assert that Drummond's Colombian managers signaled paramilitary gunmen that they wanted the officials killed
- 2010: Drummond, Prodeco, CNR ordered by Ministry of Environment to resettle three communities due to “high levels of air pollution in mining corridor” [Vattenfall p33 <https://goo.gl/1vO8Va>]
 - Communities: Boquerón, El Hatillo, Plan Bonito

Centro del Cesar Mines: Mining Radically Changes Living Conditions

- March 2013: World Food Programme, OHCHR, UN Office for Coordination of Humanitarian Affairs respond to food crisis, find that “***communities’ living conditions have changed radically as a result of the mining activity***. Access to agricultural, hunting, grazing, and fishing areas has disappeared or been significantly restricted” [Vattenfall p.33]
- August 2013: All 6 mines collectively designated as MINMINAS Project of National and Strategic Interest (PINE) [MINMINAS <https://goo.gl/TH3vpj>]
- 2017: Despite deadline for resettlement set for 2011, as of 2017, only Plan Bonito has been resettled [Vattenfall p34 <https://goo.gl/1vQ8Va>]

Centro del Cesar Mines: Defender Killed September 2016

- Néstor Iván Martínez, opposed expansion of mines owned by Drummond
 - “Involved in several social movements and was a symbol for the fight against the negative impact of the coal mines in the Cesar region in northeastern Colombia”
- September 2016: “Two unknown armed men forced their entry into the farm of Martinez's brother in the village of Chiriguaná. They tied up his brother and his brother's wife, waited for Martinez to arrive and then shot him in the head”



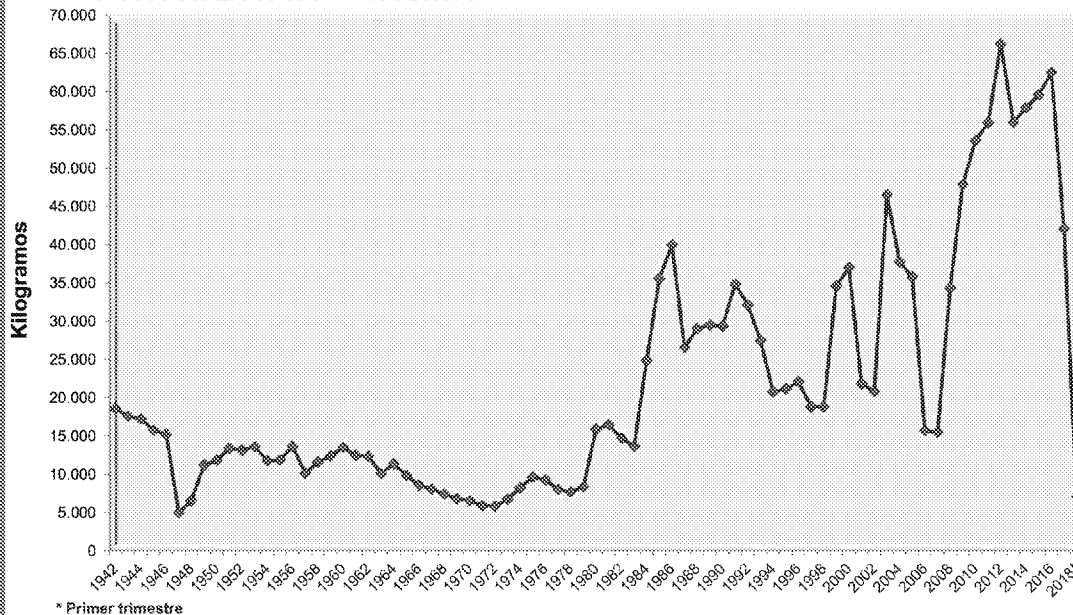
<https://goo.gl/f28oAY>



[PAX for Peace <https://goo.gl/XNBsc3>]

Gold

- Since 2006, **gold mining in Colombia has increased by over 300%** [USAID 2018 <https://goo.gl/B6xhZh>]
- Illegal and informal gold mining is a growing challenge [USAID]
- The **scale of mining has grown faster than the institutional capacity** to adequately regulate and control mining activities [USAID]
- "According to the Government of Colombia (GOC), **illegal gold mining has replaced drug trafficking as the primary source of income for organized crime, armed groups, and illicit actors.** This only adds fuel to the violence as illegal mining finances criminal organizations and their activities. Nationally, 38 percent of Colombia's territory that is affected by illegal mining is also affected by illicit coca cultivation." [USAID]



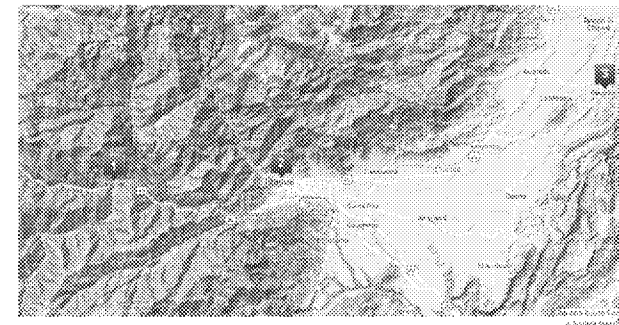
- “According to official figures, in 2014 large-scale operations accounted for only 12% of gold production and **the total number of mining title holders were responsible for only 17% of production.**” [OECD 2017 <https://goo.gl/pU2BFF>]

Gold production since 1942 [MINMINAS 2018 <https://goo.gl/4T6aZA>]

La Colosa Gold Mine (Tolima Dept): Suspended After March 2017 Popular Consultation

Open-pit mine to potentially be largest in Colombia; seventh largest undeveloped gold project in world [Mining Technology <https://goo.gl/b8ZN7T>]

- 2005: Permit issued to AngloGold Ashanti (AGA) based in South Africa
 - AGA has been active in Colombia since 1999 [AGA 2006 Annual Report <https://goo.gl/eWPnDK>]
- 2006: Exploration started in Cajamarca [Mining Technology <https://goo.gl/b8ZN7T>]
- February 2008: **Operations suspended after mining area clarified as forest reserve, AGA ordered to file for special permission to operate** [PAX for Peace <https://goo.gl/grEuLx>]
 - 2010: **Ministry of Environment authorizes AGA to continue exploration;** AGA fined [Ministry of Environment 2010 <https://goo.gl/rYFCHt>]
- December 2012: **AGA holds informative meeting** in Piedras to discuss processing ore in the municipality; **community stops meeting** [Colombia Solidarity 2013 <https://goo.gl/w93BVm>]
- July 2013: Popular consultation in Piedras, **99.2% vote “no” on allowing operations for large-scale gold mining** [Nat'l Registry of Civil Status <https://goo.gl/S4Tc4s>]
 - **AGA requested annulment of vote**, process ongoing as of March 2018 [AGA March 2018 <https://goo.gl/vGnPM1> p.13]
- August 2013: Designated as MINMINAS Project of National and Strategic Interest (PINE) [MINMINAS <https://goo.gl/TH3vpj>]

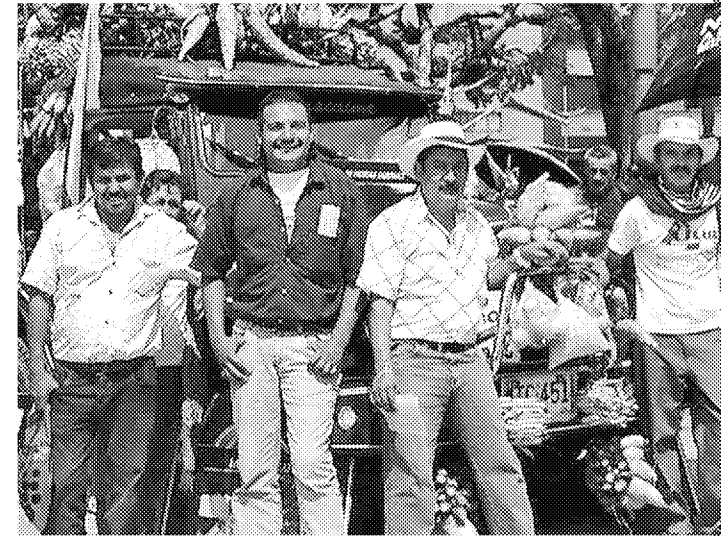


Map of Cajamarca (1), Ibaqué (2), Piedras (3)

[Third World Quarterly 2017 <https://goo.gl/z6832d>]

La Colosa Gold Mine: 2013 Defender Killed, 2017 Cajamarca Popular Consultation

- 2 November 2013: **Pédro César García Moreno** **killed** by two hitmen [El Espectador <https://goo.gl/FapRtu>]
 - **Opposed La Colosa and mining in Cajamarca**
 - December 2015: Alvaro Meléndez sentenced to 55 years in prison for organizing murder of García Moreno [Colombia Attorney General <https://goo.gl/s2Oczg>]
 - March 2017: José Alirio Gutiérrez sentenced to 23 years in prison for obtaining weapons used to kill García Moreno [Colombia AG <https://goo.gl/OTZFm>]



García Moreno in blue <https://goo.gl/BG6xV4>

- 26 March 2017: Referendum held in Cajamarca, **98.8% vote “no” to mining projects** in the municipality [Nat’l Registry <https://goo.gl/DPrw1J>]
 - All AGA operations suspended after community referendum [Reuters <https://goo.gl/xN569K>]
- 27 March 2017: **Minister of Mines and Energy states referendum is not binding** [Front Line Defenders <https://goo.gl/tx2Po9>]
- **AGA still seeks to “advance engagements at La Colosa and lift force majeure”** in order to resume exploration [AGA Annual Report 2017 <https://goo.gl/J2MkRK>], possibly by end of 2019 [Mining Technology <https://goo.gl/b8ZN7T>]

Company: Gran Colombia Gold (Caldas/Antioquia/Nariño Depts)

- Canadian company, operates mainly in Colombia [GCG <https://goo.gl/AiWKaB>]
 - **Largest underground gold and silver producer in Colombia**, all projects are underground
- Has three main projects: Segovia (Antioquia), Marmato (Caldas), Zancudo (Antioquia) [GCG <https://goo.gl/AiWKaB>]
 - 100% ownership of all projects
- 25 February 2017: GCG sues Colombian Government for \$700 million due to government's failure to evict illegal miners and inaction in response to attacks by the ELN in 2016 [W Radio <https://goo.gl/rma6FX>]
 - March 2018: Case in pre-arbitral phase [Dinero <https://goo.gl/GEVNGn>]
- 28 February 2017: **Constitutional Court orders GCG to suspend operations at Marmato project until consultation with communities occurs** [Con. Court SU133-17 <https://goo.gl/ysrJC1>]
- September 2017: 42-day civil disruption at Segovia project came to an end, happened due to miners wanting to be incorporated into GCG's title [GCG <https://goo.gl/3TjpYk>]



Gran Colombia Gold: Defender Killed September 2016 (Antioquia Dept.)

- William García Cartagena worked as a public defender for Ombudsman's office [RCN <https://goo.gl/3RK9QU>]
- Supported protest against mining company [El Colombiano <https://goo.gl/AKCLDh>]
- The Ombudsman's Office regretted the death of the lawyer and asked the authorities to establish the motives of the crime [El Colombiano]



Gran Colombia Gold: Defender Killed July 2015 (Nariño Dept)

- GCG also owns Mazamorrás Project
- 2011: Conflict occurred between community members and company representatives; GCG suspends activities after social leader killed and protests escalate [McGill Research Group <https://goo.gl/dYSovJ>; ABColombia 2012 <https://goo.gl/PD4EN2>]
- July 2015: Fabio Hernan Torres Cabrera killed, “had been leading community resistance actions against the ‘Mazamorrás Gold’ project, was killed by armed men who arrived at his home of room in the path of Santa Marta, San Lorenzo – Nariño” [CENSAT <https://goo.gl/kNgNya>]



Cerro Matoso Mine (Córdoba Dept): Constitutional Court Case Rules Company Must Compensate Community Members for Health Impacts



- Open-pit nickel mine operated by Cerro Matoso S.A. (owned by South32, spinoff of BHP Billiton)
 - Cerro Matoso is one of world's largest ferronickel producers [South32 <https://goo.gl/R9cZ8w>]
 - Ore exported to Europe, US, China, Japan [Environmental Justice Atlas <https://goo.gl/Wqx1WC>]
- 1982: Nickel production began [Defensoria del Pueblo 2014 <https://goo.gl/nJRkgu>]
- August 2013: **Designated MINMINAS Project of National and Strategic Interest** [MINMINAS <https://goo.gl/TH3vpi>]

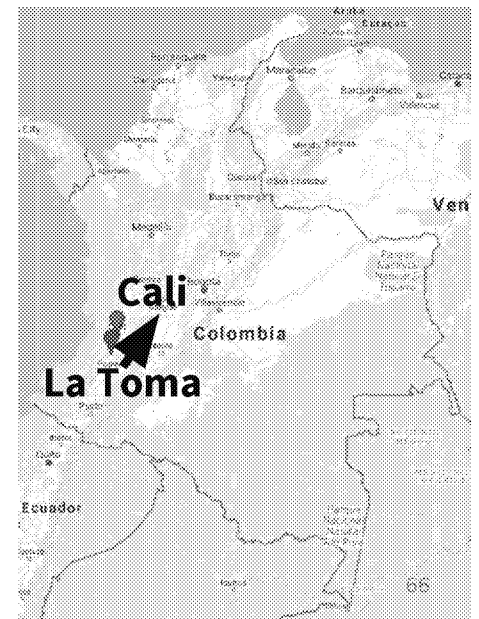
- December 2017: **Constitutional Court orders** “Cerro Matoso SA to initiate the necessary procedures for the **issuance of a new environmental license that meets the standards of Colombian law**” [El Espectador <https://goo.gl/vJ2kqh>]
 - Court concluded that **mine affected communities' health**; orders Cerro Matoso to compensate community members [La República <https://goo.gl/7FPPia>]
- 11 April 2018: **Cerro Matoso rejects the Court's ruling; denies any health impacts** from mining operations [South32 <https://goo.gl/pDgNa7>]
 - South32 is in the **process of appealing the decision** [South32 <https://goo.gl/zn2Br4>]
- 14 April 2018: Head of company states that **Cerro Matoso will continue to operate** [La República <https://goo.gl/9Rx5LB>]

Illegal/Informal Mining

- **Illegal mining occurs in 25/32 departments** of Colombia [Ministry of Mining and Energy (MINMINAS) <https://goo.gl/UNkZd4>]
 - Most prominent in departments of Antioquia, Cauca, Chocó, Nariño and south of Bolívar
- National Mining Agency estimates that **illegal and informal actors are responsible for 80% of gold (nearly 68 tons) produced in Colombia** [USAID <https://goo.gl/B6xhZh>]
[18 Bogota 746, sent June 12 2018]
- “**Environmental defenders who confront illegal mining** are often pitting themselves against organized criminal groups, and thus **are more likely to be subject to violence.**”
- A representative from the Army’s Illegal Mining Brigade “painted a bleak picture of the battle to deter illicit mining. He noted that **the price of one kilogram of gold fetches USD 45,000** – almost 20 times the price of a kilogram of cocaine at the point of production – and underscored that **these economic incentives will continue to entice illegal actors.** [Representative from Ministry of Mines] highlighted that authorities uncovered over USD 5,000,000 in illegal mining operations for the illegal miners in Rio Quito, Choco department.
- “**The widespread prevalence of illegal actors and the strong economic incentives all but guarantee that illegal gold mining will remain a significant driver for harmful environmental and human health issues and a disruptive force in local communities for the foreseeable future in the absence of licit opportunities.**”

Francia Márquez – 2018 Goldman Prize Recipient Opposing Illegal Mining (Cauca Dept)

- Began opposing illegal mining in La Toma in 2014, when “illegal miners began operating 14 backhoes on the banks of the Ovejas River near La Toma”; as a result, ***chemicals contaminated the river and caused health problems in the community***
- Organized a march to bring attention to social and environmental damage caused by illegal mining
- ***Helped her community reach an agreement with Government of Colombia*** to “eradicate illegal mining in La Toma”
 - As of “end of 2016, all illegal mining machinery operating in La Toma had been physically removed or destroyed by Colombian security forces”
- Márquez has since been forced to move to Cali for her safety



[Goldman Prize <https://goo.gl/YRrYLW>]

Killed February 2018: Yolanda Maturana (Risaralda/Chocó Depts)

- “President of Association of Friends of Flora and Fauna,” which “protect the environment, but also to denounce the illegal installations of the multinational companies in their territory and that have negative impacts on the lives of the inhabitants”
- “The victim was known in the departments of Risaralda (center) and Chocó (northwest) for **denouncing illegal mining** in that part of Colombia and the **contamination of water sources.**”

[El Espectador <https://goo.gl/VnE2M5>]

- Killing mentioned on UN Human Rights Twitter account



UN Human RightsVerified

@ONUHumanRights

Follow

@ONUHumanRights rejects the homicide of Yolanda Maturana, President of the Association of Friends of Flora and Fauna in Risaralda, we will follow up # NiUnLiderMas

8:01 AM - 2 Feb 2018

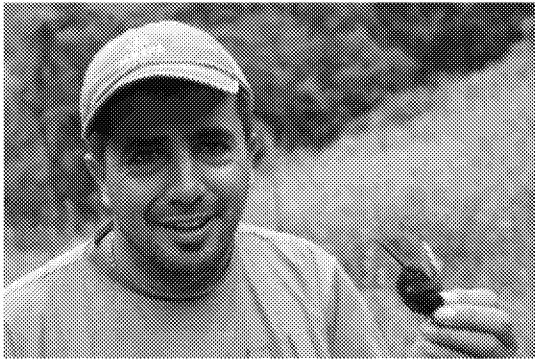
[Twitter <https://goo.gl/h7Vgt2>]



[HRD Memorial

<https://goo.gl/zDSkM3>]

Killed January 2017: Gustavo Alberto Suárez Osorio (Antioquia Dept)



<https://goo.gl/g7zZ1D>



- “Suarez Osorio was a social leader and the administrator of the reserve Mesenia of the Colibri Foundation located in the district of Jardín of Antioquia. ***He fought for consultation, land rights and the environment in these conflict regions, in the face of mining and energy projects.*** His death has been linked to his activism.”
[Business and Human Rights Resource Center
<https://goo.gl/K5cFEB>]
- According to the Ministry of Government and the Police, the homicide would be related to personal business and not to its defense of the environment and its opposition to mining projects in southwest Antioquia. [La Silla Vacía
<https://goo.gl/6s2nZB>]

Killed May 2016: Manuel Dolores Pino Perafán (Cauca Dept)

- General secretary of the Community Action Board of the Fondas corregimiento [W Radio <https://goo.gl/BPjFNf>]
- Community leader and member of a cooperative for legal miners
- Strongly opposed illegal mining in the area
- Shot by two unknown men while traveling in a car

[Caracol Radio <https://goo.gl/KPaFUa>]



Limestone

April 2018: Community Awaiting Popular Consultation To Oppose Mining (Boyaca Dept)

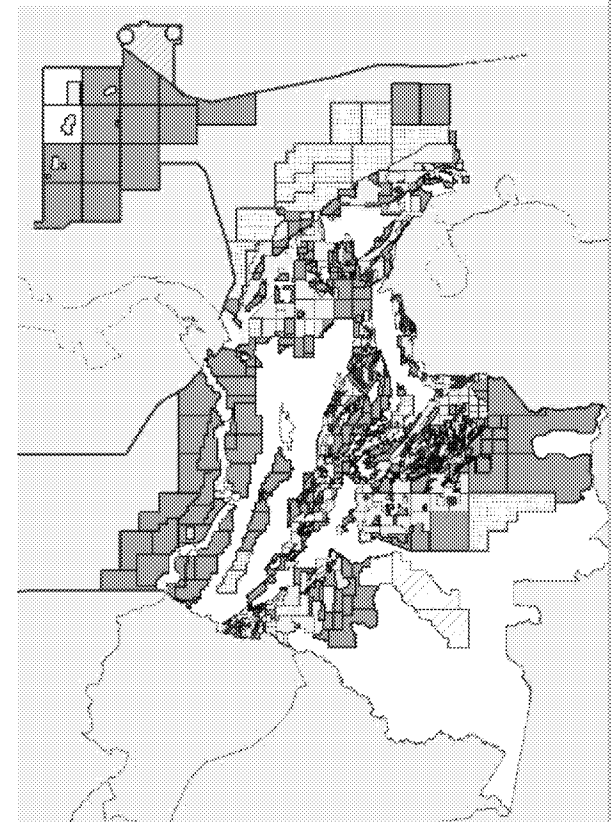
- In Gachantivá forums and debates have been held around the popular consultation, bringing experts in the field and leaders from other Colombian municipalities that have already faced this problem and have had favorable results
- The mining company that at all costs wants to obtain the exploitation license for limestone is Cementos Tequendama, who intend to develop an open-pit mining project of great magnitude and consequently of strong environmental impact.

[Semillas <https://goo.gl/9XJ5ib>]



Oil Sector

- Overseen by National Hydrocarbons Agency (ANH)
 - Permits overseen by Ministry of Mining and Energy (MINMINAS) [MINMINAS <https://goo.gl/sMH92v>]
- Since global financial crisis, oil production has declined [Reuters <https://goo.gl/KoPb9v>]
 - “The country once earned about a fifth of its national income from oil revenues, royalties and taxation, but that figure fell to nearly zero during the global decline in crude prices and companies sharply curtailed production and exploration”
 - Sector also targeted by guerrilla group National Liberation Army (ELN)
- Many operations owned by Ecopetrol, state-owned oil enterprise
- Investment from private oil companies set to increase 30 to 45 percent over in 2018 [Reuters <https://goo.gl/KoPb9v>]
- Q of 2017 crude oil and natural gas accounted for 4.19% of total GDP [MINMINAS <https://goo.gl/YkUZtv>]



Map of oil production (Feb 2017) [ANH <https://goo.gl/bH2i6e>]

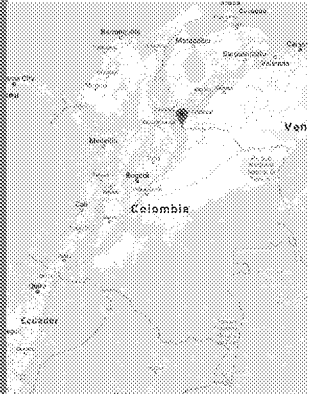
Yellow = exploration

Red = operation

Grey = unassigned

Purple = under technical evaluation⁷¹

Opposition from U'wa Community Over Oil Exploration in Territory (Boyaca Dept)

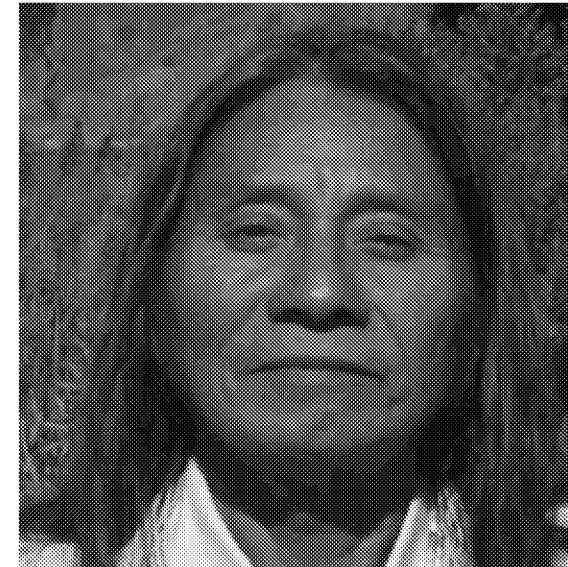


- 1992: Occidental de Colombia (subsidiary of U.S. company Occidental Oil and Gas) applies for a permit to explore and exploit oil in Samoré Block, an area containing “a protected zone,” “a reserve,” and “traditional lands claimed by the U’wa people”
- 1995: ***U’wa threaten mass suicide*** if oil work progresses
- February 1995: ***Ministry of Environment issues permit to Oxy authorizing exploration*** (Resolution 110) 29 August 1995: Ombudsperson, serving as representative of the U’wa people, filed a petition seeking a constitutional writ of protection of human rights [*acción de tutela*] and an appeal seeking nullification of Resolution 110 [IACHR <https://goo.gl/H8YN1t>]
 - September 1995: Superior Court of Santafé de Bogotá rules that consultation process must be undertaken [IACHR]
 - October 1995: Supreme Court overturns Superior Court’s decision
 - February 1997: Constitutional Court upholds Superior Court ruling; ***orders consultation but upholds Resolution 110***

[OAS/Harvard joint report 1998 <https://goo.gl/TA2ng3>]

Continued Opposition from U'wa Community Over Oil Exploration in Territory (Boyaca Dept)

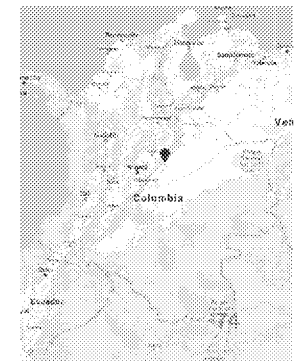
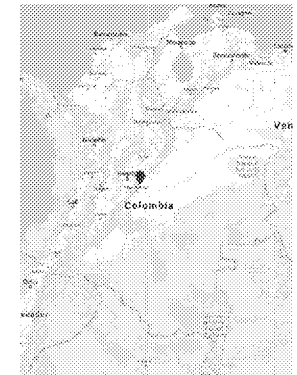
- April 1997: ***U'wa people file petition with IACHR alleging that the Government of Colombia didn't regard their right to FPIC and "has taken measures that directly compromise their physical and cultural integrity and identity"*** [IACHR <https://goo.gl/H8YN1t>]
 - Also alleges that State failed to take necessary steps to protect ancestral territory
- 1998: ***Berito Kuwaru'wa*** (U'wa community member) wins Goldman Prize, ***led court appeal to remove Oxy from community territory*** [Goldman Prize <https://goo.gl/djifvQ>]
- 2002: ***Oxy withdraws from project*** [CENSAT <https://goo.gl/nvgRWA>]
- 2015: IACHR issues admissibility report on U'wa case: "The petitioners maintain that without regard for the U'wa people's rights, ***the State continued to allow drilling, mining and other projects that were prejudicial to the U'wa people's physical and cultural integrity and identity***" [IACHR <https://goo.gl/H8YN1t>]



Berito Kuwaru'wa [Goldman Prize]

Community Referenda in Oil Industry

- **September 2017: Referendum planned then suspended due to lack of funding (Meta Dept)**
 - September 2017: Referendum planned in in La Macarena municipality asking residents if they want to allow oil activities within municipality [Contagio Radio <https://goo.gl/EpWz8Q>]
 - November 2017: Referendum cancelled due to lack of funding from federal government [La FM <https://goo.gl/cJa9DH>]
- June 2017: Residents in Cumaral municipiaplity (Meta Dept.) voted by a large majority to ban crude exploration, drilling and production, specifically by company Mansarovar Energy (Indian and Chinese owned) [El Mundo <https://goo.gl/fYmR28>]
- Dec 15, 2013: inhabitants of Tauramena in Casanare Dept. voted against oil exploration on their land [National Registry of Civil Status <https://goo.gl/8vEQ1T>]



Killed January 2016: Mario Alexi Tarache Perez (Casanare Dept)

- Mario Alexi Tarache Perez (36) was **president of the Community Action Board (JAC)** of Vereda Arenitas de San Luis de Palenque (Casanare)
- On January 14, 2016, he was **shot 12 times** in front of his house as he was returning home
- **Mario Perez was a strong critic of the oil industry in the area** [Las Chivas del Llano <https://goo.gl/ja8xNc>]
- June 19, 2016: Casanare Police Department Criminal Investigation Section (SIJIN), in coordination with 17th District Prosecutor's Office of Orocué and support of the EDA Sectional Prosecutor's Office, captured two men designated to be the material authors (Nelfer, age 43, Haider, age 33) [HSB Noticias <https://goo.gl/MeXGKm>]
- Killing in same region (Casanare), two months after the murder of Daniel Abril, leader of the Civic Committee for Human Rights of Meta and member of MOVICE – Movement of Victims of State Crimes.
- Mentioned by Attorney General website [<https://goo.gl/i7Kac3>]



Case mentioned by:

HRD
memorial

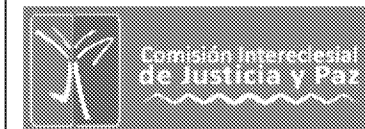
f FRONT LINE
DEFENDERS

Killed March 2015: Luis de Jesús Rodríguez (Putamayo Dept)

- Rodríguez and his partner killed in their home on March 17, 2015
- In the area, ***there is a strong presence of troops, belonging to the Selva Brigade 27, guarding facilities and petroleum infrastructure of the Consortio Colombia Energy***. The house of the murdered defender is less than 10 minutes from the Porvenir military base. This community is part of the Puerto Vega - Teteyé Corridor, whose communities have historically mobilized in fierce opposition to the expansion of the oil industry due to the environmental deterioration and social conflicts that it allegedly generates. [Contagio Radio <https://goo.gl/MsSoL4>]
- Affiliated with the community of La Española which in turn belongs to the Peasant Reserve Zone - Amazonian Pearl for about a year [Inter-Church Justice and Peace Commission (CIJP) <https://goo.gl/MVBRNj>]
- They also linked Carlos Alberto Salcedo as responsible for the murder of Luis de Jesús Rodríguez and Adenis Jiménez in March 2015 in the community of Cabaña Puerto Asís [CIJP <https://goo.gl/PS58uM>]



Case mentioned by:



Hydropower Sector

- Overseen by MINMINAS
- Provides ~70% of country's electrical generation [IHA <https://goo.gl/1EKDCZ>]
- Second (to Brazil) in Latin America for hydroelectric potential [Library of Congress <https://goo.gl/xkNy7R>]
- Third in South America in 2017 for installed hydropower capacity [International Hydropower Association (IHA) <https://goo.gl/c8Ntpw>]
- Seven new stations totalling 599 MW commenced operations in the last year, including the Carlos Lleras Restrepo (78 MW), San Miguel (44 MW), Bajo Tuluá (20 MW), Suba (2.6 MW) and Usaquen (1.6 MW) projects [IHA <https://goo.gl/1EKDCZ>]

Embassy note: Colombia has suitable conditions for hydropower and growing energy demand. Post has some cables on Hidroituango Dam that could provide good background information on large-scale hydropower in Colombia.

Hydropower Sector: Case List

Company/Project/Individual Name	Department	Case Details
Hidroituango	Antioquia	
Talasa Project	Choco	
Salvajina Dam	Cauca	
- Benicio Flor Belalcázar		

Hidroituango Project (Antioquia Dept)

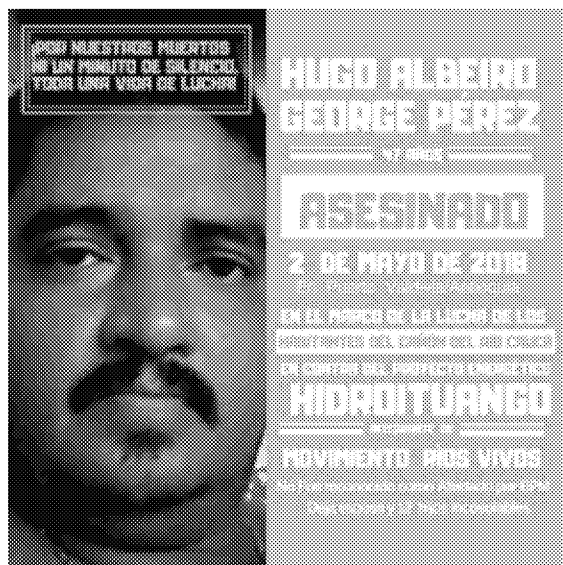
- ***Will be largest hydroelectric project in Colombia upon completion*** [CIEL <https://goo.gl/PxNtX7>]
 - 12 municipalities affected
- Majority owned by Institute for the Development of Antioquia (IDEA, 50.7%) and EPM (46.3%) [Hidroituango <https://goo.gl/AVaATg>]
 - EPM: public utility company for municipality of Medellín
- Partly funded by IADB
- Goal is to begin operation in December 2018 [Hidroituango <https://goo.gl/AVaATg>]
 - ***Designed to supply up to 17% of Colombia's future electricity demand*** [IDB <https://goo.gl/LNqfMt>]
- 2010: Construction began [Amnesty <https://goo.gl/wKJYy2>]
- 4 January 2018: ***IDB Invest signs \$1 billion loan to EPM for Ituango development*** [IDB <https://goo.gl/zbLyU9>]



Hidroituango: May 2018 - Risk of Dam Collapse, Communities Evacuated

- 16 May 2018: **5,000 evacuated due to potential dam breakage** [CNN <https://goo.gl/SxTsed>]: After cement clogged two of the three diversion tunnels, the excessive pressure on the remaining tunnel resulted in first a blockage and then an avalanche, leaving hundreds of families homeless and thousands of people displaced and at permanent risk both up- and down- stream of the dam wall. All this has exposed the inadequate evaluation of project impacts and the poor environmental regulation under which the project was authorized on every front. The state of emergency in the area is still in effect, and neither the Colombian government nor the company has ruled out the risk of the dam collapsing. **Civil society groups report a wave of increasing violence against people who are defending their territory and water and oppose the project.**
- 14 June 2018: **Alert level brought down from red to orange for some communities around the dam**, inhabitants are allowed to start moving back but must still be ready to evacuate if necessary [National Risk Management Unit <https://goo.gl/d1Xv9v>]

Hidroituango: Activists Killed for Opposition; 42 NGOs Sign Letter Denouncing Activist Murder of Two Activists



- 2 May 2018: Hugo Albeiro George Pérez, member of Movimiento Ríos Vivos Antioquia and Association for Victims and Individuals Affected by Megaprojects, **killed during peaceful protest against Hidroituango after tunnel blocked one of the dam's tunnels and led to high increases in water levels** [Amnesty <https://goo.gl/wKJYy2>]
 - Nephew also killed
 - Pérez began demanding compensation for affected families in 2013 after the construction of a road connecting the dam with Puerto Valdivia impacted their land and their farming activities
 - Officials from the Antioquia Police Department said publicly that Hugo Albeiro George was not a human right defender or an MRVA member and that his murder was related to unresolved property issues regarding his land in Puerto Valdivia [Front Line Defenders <https://goo.gl/CrX4Nh>]
- 4 May 2018: In response to killings, **42 NGOs sign a letter requesting an investigation and adequate protection for human rights defenders** [CIEL <https://goo.gl/8jFE84>]
- 8 May 2018: Luis Alberto Torres Montoya killed, also member of Movimiento Ríos Vivos Antioquia [CIEL <https://goo.gl/bdaXp9>]

[Rio Vivos Colombia
<https://goo.gl/cYBmK6>]

Hidroituango: June 2018 - Communities File Complaint with Inter-American Development Bank

- 5 June 2018: ***Communities file complaint with Independent Consultation and Investigation Mechanism (MICI) of the Inter-American Development Bank (IDB), requesting the Mechanism's office to "investigate whether the IDB, through both its public and private lending arms, violated its own social and environmental standards when invested in the project"***
[CIEL <https://goo.gl/i1tXu1>]
 - Asserts ***the bank did not follow its policies*** that investment projects must be sustainable, participatory, and respectful of national legislation
- 5 June 2018: Representatives from IDB meet with civil society groups in Washington, D.C. to discuss situation with Hidroituango Project [IDB <https://goo.gl/7kxGgv>]
 - Groups included: Movimiento Ríos Vivos, Interamerican Association for Environmental Defense, and Center for International Environmental Law

Talasa Hydroelectric Project Proposed as Sustainable Hydropower (Choco Dept)

- According to President Santos, Talasa will generate clean energy, taking advantage of part of the flow of the Atrato River without the need to dam water, constituting a sustainable and environmentally friendly project. [Radio Santa Fe <https://goo.gl/3kp8XU>]
- 2015: Acquired fully by Macquarie Development Corporation of China [Macquarie <https://goo.gl/odvyZp>]
- July 2017: Designated a PINES project by President Santos [Presidencia <https://goo.gl/83FZ71>]



Salvajina Dam (Cauca Dept)

- 1985: Dam construction completed [Con. Court T-462a-14 <https://goo.gl/MUqEjP>]
- July 2014: Constitutional Court orders company EPSA to conduct prior consultation with communities for the dam's environmental management plan [Con. Court]



Killed October 2015: Benicio Flor Belalcázar (Cauca Dept)

- Killed while traveling with his wife to the city of Suárez in the department of Cauca
- Belalcázar “***was a leader in the protection of freshwater basins in his territory, and worked on community agriculture initiatives***” [Nomadesc <https://goo.gl/gAx1kT>]
 - “Father of Eider Flor, indigenous leader of the council Cerro Tijeras and a member of the working team that worked to ensure compliance with court order T462A, in which the ***Constitutional Court ordered EPSA to carry out the prior consultation and develop an environmental management plan for the Salvajina hydroelectric dam***”
- “Benicio Flor Belalcazar was a leader for the Indigenous and Afro-descendant communities living in the area of the Salvajina Dam and involved in capacity building of activists in these communities.” [Amnesty <https://goo.gl/cnRCuz>]
 - Former mayor of Suarez municipality
- December 2015: “Primitivo Mestizo, was captured by the Police in Cauca as alleged responsible for the death of the former mayor” [RCN Radio <https://goo.gl/2kunhx>]



<https://goo.gl/PF38Si>

Killed 2017: Edmiro Leon Alzate Londoño (Antioquia Dept)

- Edmiro Leon Alzate Londoño was a merchant from the Sonsón municipality in Antioquia.
- “On 12 January, Edmiro's body was found after he allegedly suffered a fall from a horse. However, there were alleged marks on his body which indicate a violent death. ***There have been recent conflicts in the area between communities and hydroelectric companies due to potential environmental damage, access to water, and land rights.***” [CENSAT <https://goo.gl/YE7GaM>]
- “According to Mario Cardona, president of the Territorial Planning Council of Sonsón (CTP), Alzate's struggle was ***against the way in which the company intervenes in the territory and not against the construction of the hydroelectric plant.***” [Universidad de Antioquia News <https://goo.gl/qxk11p>]

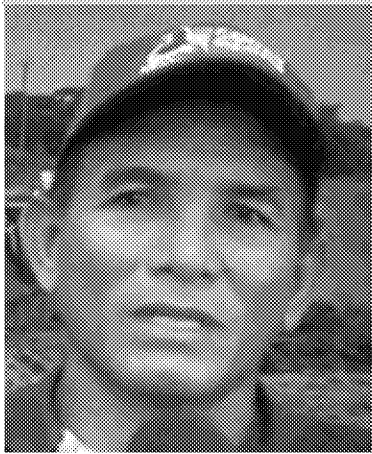


<https://goo.gl/ExopzG>

Land

Company/Project/Individual Name	Department	Case details
Anibal Coronado	Cordoba	
Hernan Bedoya	Choco	
Ruth Alicia Lopez Guisao	Antioquia	

Killed February 2016: Aníbal Coronado (Cordoba Dept)



<https://goo.gl/ptwq6P>

- Shot by two men on motorcycle [El Espectador <https://goo.gl/h47MxN>]
- “Months before, Coronado had reported that **residents of the municipality’s wetlands were appropriating these lands in the region and that this endangered the ecosystems.**” [El Espectador]
- Had consistently received threats: authorities reported that the leader had received threats months ago, and Coronado had repeatedly told the local media that his life was in danger. [El Espectador]
- Killing mentioned on Twitter by former president (and current senator) of Colombia Alvaro Uribe [Twitter <https://goo.gl/uPu6hx>]



Alvaro UribeVerified

@AlvaroUribeVei

Follow

Ciénaga, Córdoba, Assassinated Aníbal Coronado, candidate for the CentroDemocrático Council, denounced corruption in flood control contracts

11:57 AM - Feb 18, 2016

Case mentioned by:



Business & Human Rights
Resource Centre

**Killed March 2017:
Ruth Alicia Lopez Guisao (Antioquia Dept)**



[Front Line Defenders <https://goo.gl/rKpxOC>]

“Ruth Alicia Lopez Guisao was an ***environmental and community leader and human rights defender who advocated for sustainable food sovereignty among indigenous communities***. On 2 March she was approached by two men who shot her multiple times. She was part of movements against alleged land-grabbing and agricultural monopolization by large companies.” [BHRRRC <https://goo.gl/5yfcVO>]

**Killed December 2017:
Hernan Bedoya (Choco Dept)**



<https://goo.gl/xv9nP5>

Hernan Bedoya “***defended collective land rights for Afro-Colombian farmers as well as local biodiversity in the face of palm oil and industrial agriculture expansion***, was allegedly assassinated by a neo-paramilitary group on Dec. 5 . . . Bedoya was the second Afro-Colombian leader to be killed in the Bajo Atrato river basin region in less than 10 days after Mario Castaño was killed in late November.” [Mongabay

<https://goo.gl/ioskD5>]

Initial Takeaways

- **Protection Mechanism** had been seen as model, but has faced challenges, including budget shortages and an increased caseload, leading to NGO criticism
- **Drivers of conflict in all cases reviewed were lack of access to information, public participation, and redress as well as land titling**
- Tension between national government and CARs results in **gaps in environmental enforcement**
- Multiple Constitutional Court decisions not being respected
- **Numerous popular consultations** with overwhelming opposition to mining result in lost investment and royalties

REFERENCE

Goldman Environmental Prize Winners

Juan Mayr

**South and Central America 1993
Goldman Prize Recipient**

Colombia

Land Preservation

Juan Mayr united disparate groups to protect Colombia's Sierra Nevada de Santa Marta, the world's highest coastal mountain range.



Libia Grueso

**South and Central America 2004
Goldman Prize Recipient**

Colombia

Sustainable Development

A social worker and activist, Libia Grueso secured more than 5.9 million acres in territorial rights for the country's Afro-Colombian communities despite life-threatening circumstances.



Berito Kuwaruwa

**South and Central America 1998
Goldman Prize Recipient**

Colombia

Oil & Mining

Berito Kuwaru'wa waged a nonviolent international campaign calling on multinational oil companies not to drill in the isolated, traditional homelands of his U'wa people, who consider oil to be the blood of Mother Earth.



Nohra Padilla

**South and Central America 2013
Goldman Prize Recipient**

Colombia

Sustainable Development

Unfazed by powerful political opponents and a pervasive culture of violence, Nohra Padilla organized Colombia's marginalized waste pickers to make recycling a legitimate part of waste management.



Environmental Justice Atlas - 127 Environmental Conflicts in Colombia

- [Acueducto río Pance, Cali, Colombia](#)
- [Aerial Fumigation with glyphosate in the Putumayo, Colombia](#)
- [Bahía Malaga, Colombia](#)
- [Basuro de Navarro, Cali, Colombia](#)
- [Bosques de Bahía Solano, Colombia](#)
- [BP Exploration Company, Colombia](#)
- [Building on the forest reserve Thomas van der Hammen, Bogota, Colombia](#)
- [Cañaverales, La Guajira, Colombia](#)
- [Caramanta, Antioquia, Colombia](#)
- [Carretera Mulaló-Loboguerrero en el Valle, Colombia](#)
- [Cerro El Alguacil \(INARWA\), Colombia](#)
- [Cerro La Jacoba, Colombia](#)
- [Cerro Matoso, Colombia](#)
- [Cerro Paramo de Miraflores, Colombia](#)
- [Chiquita Brands, Colombia](#)
- [Ciénaga de Ayapel, Colombia](#)
- [Ciénaga Grande de Santa Marta, Colombia](#)
- [Coal transport by Drummond in Bahía de Santa Marta, Colombia](#)
- [Coca Cola violates labour rights, Colombia](#)
- [Coltan Parque Nacional Puinawai, Colombia](#)
- [Comunidad Wayuu, Guajira, resistiendo la desviación del Arroyo Bruno por la empresa El Cerrejón, Colombia](#)
- [Construcción de torres eléctricas en parques naturales Barbas Bremen y La Marcada, Colombia](#)
- [Construcción Tunnel de La Línea, Colombia](#)
- [Consulta Popular en Piedras, Tolima, Colombia](#)
- [Contaminación por asbesto, Colombia](#)
- [Contaminación por producción de cal en Nobsa, Colombia](#)
- [Contamination of the River Palo and Agroindustry in Puerto Tejada, Colombia](#)
- [Cultivo intensivo de caña en la Laguna de Sonso, Colombia](#)
- [Destrucción ecosistema bioestratégico El Lipa, Arauca, Colombia](#)
- [Desviación río Calenturitas, Cesar, Colombia](#)
- [Desviación Río Ranchería, La Guajira, Colombia](#)
- [Dojura, Chocó, Colombia](#)
- [Drinking Water Supply and Agroindustry in Villagorgona, Colombia](#)
- [Drummond Company Vs. Hoteles turísticos Bahía de Santa Marta, Colombia](#)
- [El Cerrejón mine, Colombia](#)
- [El Quimbo hydroelectric project, Colombia](#)
- [Exploración de oro y otros minerales en Quindío, Colombia](#)
- [Exploración Hidrocarburos en San Andres Islas, Colombia](#)
- [Exploración petrolera en corredor PuertoVega-Teteyé, Colombia](#)
- [Exploración petrolera en el alto Ariari, Meta, Colombia](#)
- [Exploración petrolera en Pozo exploratorio Lorito 1, río Humadea en Meta, Colombia](#)
- [Exploración sísmica para la Línea Transandina en la Laguna de Los Ortices, Colombia](#)
- [Exploración y explotación de carbón en el páramo de Pisba en Boyacá, Colombia](#)
- [Exploración y explotación petrolera en el Piedemonte Llanero, Colombia](#)
- [Exploración y explotación petrolera en la Provincia de Sugamuxi, Colombia](#)
- [Explotación petrolera en Casanare, Colombia](#)
- [Explotación petrolera en el municipio de Acacias, Meta, Colombia](#)
- [Extracción de materiales CEMEX in Payandé, Colombia](#)
- [Extracción de materiales del río La Vieja, Colombia](#)
- [Extracción de materiales en río Luisa, Colombia](#)
- [Extracción de petróleo en La Macarena, Meta, Colombia](#)
- [Farmers Strike for Food Sovereignty, Colombia](#)
- [Floricultura en la Sabana de Bogotá, Colombia](#)
- [Hacienda Bellacruz, Colombia](#)
- [Hacienda Las Pavas, Colombia](#)
- [Hidroeléctrica Miel I, Caldas, Colombia](#)
- [Hidrosogamoso dam, Colombia](#)
- [Ituango hidroeléctrica, Colombia](#)
- [Jericó, Antioquia, Colombia](#)
- [La Colosa, Colombia](#)
- [La Jagua de Ibirico \(Cesar\) vs. Drummond, Colombia](#)

- [La Macarena: Área de Manejo Especial, Colombia](#)
- [Landázuri, Santander, Colombia](#)
- [Marmato mines, Colombia](#)
- [Mina de oro El Porvenir, Colombia](#)
- [Minería en el cerro sagrado Care Perro en Antioquia, Colombia](#)
- [Minería en Jardín, Antioquia, Colombia](#)
- [Minería en Támesis, Colombia](#)
- [Minería en Urrao, Colombia](#)
- [Minería ilegal Farallones de Cali, Colombia](#)
- [Minería ilegal, Jamundí, Colombia](#)
- [Minería ilegal Santander de Quilichao, Colombia](#)
- [Mining in Macizo Colombiano, and the death of Adelinda Gómez, Colombia](#)
- [Monocultivo de Palma de Aceite en Meta, Colombia](#)
- [Oil and coal Extraction in the Indigenous Mutilon Bari Territory, Colombia](#)
- [Palm Oil Monoculture in the Choco, Colombia](#)
- [Paramo de Guacheneque, Colombia](#)
- [Paramo de Santurbán, Colombia](#)
- [Paramo El Almorzadero, Colombia](#)
- [Paramo Rabanal, Colombia](#)
- [Parque eólico Jeparachi, Colombia](#)
- [Parque Nacional Natural Tayrona, Colombia](#)
- [Parque Temático de Flora y Fauna Bioparque Pereira, Colombia](#)
- [Paz del Río, Boyacá, Colombia](#)
- [Pérdida de Manglar, Tumaco, Colombia](#)
- [PPT case: Glencore and Prodeco coal mining, Colombia](#)
- [Privatisation of Water and Energy by Unión Fenosa, Colombia](#)
- [Producción de Cemento en Suesca, Colombia](#)
- [Proyecto Gramalote, Antioquia, Colombia](#)
- [Proyecto hidroeléctrico La Miel II, Colombia](#)
- [Proyecto La Vega-Mocoa, Colombia](#)
- [Proyecto Mandé Norte, Murindó, Colombia](#)
- [Puerto Bahía Malaga, Colombia](#)
- [Puerto Brisa S.A., Colombia](#)
- [Puerto de Tribugá, Choco, Colombia](#)
- [Puerto las Américas de grupo Daabon en Bahía de Taganga, Colombia](#)
- [Puerto Petaca Bahía de Taganga, Colombia](#)
- [Quebrada la Lata, Magdalena, Colombia](#)
- [Quinchía, Risaralda, Colombia](#)
- [Relleno sanitario Doña Juana, Colombia](#)
- [Relleno sanitario \(Landfill\), El Carrasco, Bucaramanga, Colombia](#)
- [Relleno Sanitario Parque Industrial Santodomingo, Colombia](#)
- [Represa del Bajo Anchicavá, Colombia](#)
- [Represa El Cercado en el río Ranchería, La Guajira, Colombia](#)
- [Represa La Salvajina, Colombia](#)
- [Rio Dagua gold mining, Zaragoza, Colombia](#)
- [Rio Guabas, Valle del Cauca, Colombia](#)
- [Río Tunjuelo, Bogotá, Colombia](#)
- [Segovia \(gold mining\), Antioquia, Colombia](#)
- [Serranía de San Lucas gold mining, Colombia](#)
- [Smurfit-Kappa Carton de Colombia en Sevilla](#)
- [Smurfit-Kappa, Colombia](#)
- [Suárez, Cauca, Colombia](#)
- [Sugarcane and Gold Mining in Lomitas, Colombia](#)
- [Sugar cane, Cauca Valley, Colombia](#)
- [Tabio - Rio Frio mining activities, Colombia](#)
- [Taraira, Vaupes, Colombia](#)
- [Tauramena, Casanare, Colombia](#)
- [Territorial conflicts in Tibú and the oil palm expansion, Colombia](#)
- [Titiribí, Antioquia, Colombia](#)
- [Tolda Fría gold mining, Colombia](#)
- [Trasvase río Guarín, Colombia](#)
- [Uranio Samaná, Caldas, Colombia](#)
- [Urra Dam on the Sinu River, Colombia](#)
- [Uwa, exploración petrolera en su territorio, Colombia](#)
- [Variante de Canal de Bocachica y dragado del arrecife coralino de Varadero, Bahía de Cartagena, Colombia](#)
- [Yaigojé, Apaporis minas de oro, Colombia](#)

Defenders Killed 2017

[The Guardian/Global Witness <https://goo.gl/oDiAx3>]

1. Hernán Bedoya
2. Mario Jacanamijoy 11/25: indigenous rights activist, Departmental Health Counselor of the Indigenous Peoples' Agreement Table (Caquetá)
3. Elvia Azucena Vargas 11/2: advocated for stopping violence against human rights defenders (Portachuelo)
4. Mario Castaño Bravo 11/29: social leader working for land restitution (La Larga)
5. José Jair Cortés 10/19: social leader (Tumaco)
6. Óscar Ferney Tenorio 10/7: indigenous leader, alternate senior government of Chinas reservation
7. Efigenia Vázquez Astudillo 10/8: radio journalist, shot while covering clashes in Puracé (Cauca)
8. Manuel Ramírez Mosquera (8/18): social leader (Chocó)
9. Fernando Asprilla (8/17): social leader (Cauca)
10. Ezequiel Rangel Romano (7/18): helped organize agricultural strike in 2013 (Norte del Santander)
11. Héctor William Mina (7/14): active member of human rights organizations (Cauca)
12. Bernardo Cuero Bravo 3/23: Afro-Colombian human rights activist (Atlántico)
13. Mario Andrés Calle Correa 5/16: president of campesino organization
14. Daniel Felipe Castro Basto 5/9: killed while participating in protest (Cauca)
15. Jorge Arbey Chantré Achipiz
16. Gerson Acosta Salazar 4/19: governor of Kite Kiwe Reservation (Cauca)
17. Javier Oteca Pilcué 3/22: killed in confrontation with security personnel (Cauca)
18. Ruth Alicia Lopez Guisao 3/2:
19. Eder Cuetia Conda 2/27: indigenous leader (Cauca)

1. Falver Cerón Gómez 2/19: outspoken against illegal mining (Cauca)
2. Edilberto Cantillo Meza 2/6: worked on land restitution issues (Magdalena)
3. Porfirio Jaramillo 1/30: land claimant and activist (Antioquia)
4. Yorvanis Isabel Bernal Varela 1/26: indigenous leader and women's rights activist (Cesar)
5. Gustavo Alberto Suárez Osorio
6. Hernán Enrique Agámez Flórez 1/20: farmer (Córdoba)
7. Joe Javier Rodallega (1/19): active member of CONPAZ "Communities Building Peace in the Territories"
8. Emilsen Manyoma (1/19): active member of CONPAZ "Communities Building Peace in the Territories"
9. Edmiro León Alzate Londoño 1/12: opposed hydroelectric projects (Antioquia)
10. José Yeimer Cartagena 1/24: peasant leader (Córdoba/Antioquia)
11. Aldemar Parra García 1/7: land rights defender (Cesar)
12. Olmedo Pito García 1/11: indigenous movement activist (Cauca)

SR Forst Report 2016

“36. According to civil society reports, corroborated by the communications sent by the Special Rapporteur in the last two years, the most dangerous countries for environmental human rights defenders were Brazil, Cambodia, **Colombia**, Guatemala, Honduras, India, Mexico, Peru, the Philippines and Thailand. There are indications that some African countries are facing similar challenges, even if they were not documented and publicized sufficiently.”

- UN Special Rapporteur on the Situation of Human Rights Defenders Michel Forst, "Situation of human rights defenders" A/71/281 (August 3, 2016) http://ap.ohchr.org/documents/dpage_e.aspx?m=70&m=166

“81. Bilateral cooperation between States can build the capacity of institutions engaged in protecting the environment and environmental human rights defenders. For example, the **Swedish Environmental Protection Agency**, in collaboration with the United Nations Development Programme, is working with similar agencies in Kenya, **Colombia**, Mongolia and Mozambique to integrate a human rights-based approach into environmental institutions and processes.”

UN Special Rapporteur on the Situation of Human Rights Defenders, Michel Forst, Official Report to UNGA "Situation of Human Rights Defenders," August 3, 2016

http://ap.ohchr.org/documents/dpage_e.aspx?m=70&m=166

Relevant Government Human Rights Institutions



Current Ombudsman: Carlos Alfonso Negret Mosquera

[Defensoría <https://goo.gl/WtF2ME>]



Current Presidential Advisor for Human Rights:

Paula Gaviria Betancur [<https://goo.gl/S3Mh9L>]

Ombudsman (Defensoría del Pueblo):

Independent, submits annual report to the House of Representatives, responsible for providing for the promotion and exercise of human rights. Are also 36 local human rights ombudsmen (Personeros), at least one in every Department [Defensoría

<http://www.defensoria.gov.co/>]

- “According to human rights groups, ***underfunding of the Ombudsman’s Office limited its ability to monitor violations effectively.*** The ombudsman, as well as members of his regional offices, reported threats from illegal armed groups issued through pamphlets, email, and violent actions.”

[DOS Colombia Human Rights Report 2017

<https://goo.gl/KVnHd>]

Presidential Advisor for Human Rights:

“coordinates national human rights policy and actions taken by government entities to promote or protect human rights” [DOS Colombia Human Rights Report 2017]

Relevant Government Human Rights Institutions

Inspector General's Office (Procuraduría): Independent, charged to represent interests of citizens before the rest of the state. Conducts most disciplinary investigations of public officials and monitors criminal investigations and prosecutions, as well as other state agencies' actions. [Human Rights Watch <https://goo.gl/qUhMy5>]

- **Delegate Attorney for Environmental and Agrarian Affairs:** performs preventative functions, of management control in the environmental area, of intervention before administrative and judicial authorities, and some of a disciplinary nature, in relation to the protection and preservation of the environment, natural resources and the rights and conflicts that are generated in the area of land. [Procuraduria <https://goo.gl/spqRCr>]

Victims' Unit: Responsible for “lead[ing] actions of the State and society to provide comprehensive care and reparation to the victims, to contribute to social inclusion and peace”; goal is to complete reparations and care by 2021 [Unidad Víctimas <https://goo.gl/xHVNIG>]

National Commission on Security Guarantees: Formed in the 2016 Peace Agreement, seeks “to guarantee the exercise of politics without the threat of arms” [Presidencia <https://goo.gl/yxWoYX>]

Land Restitution Unit: “semiautonomous entity in the Ministry of Agriculture, is responsible for returning land to displaced victims of conflict.” [DOS Colombia HR Report 2017]

Constitutional Court “is the last and highest Colombian authority regarding the rule of Law for the protection of human rights. It has ruled in various occasions that have involved the violation of human rights like for example the use of glyphosate and the delimitation of the Páramo of Santurbán. The Constitutional Court can also order for public consultations for the defense of natural resources and to hold back projects from the extractive sector.” [Embassy note]

Relevant Law Enforcement Institutions

Attorney General's Office (Fiscalia General)

- **Human Rights Unit:** Tasked with investigation and prosecution of serious human rights crimes, including massacres and multiple homicides, extrajudicial killings, politically motivated murders, kidnappings and forced displacements. DOJ has been providing support and assistance since 1999.
[<https://co.usembassy.gov/embassy/bogota/sections-offices/departments-of-justice/human-rights/>]
- **Environmental Crimes Prosecuting Unit**, established 2012 to focus solely on prosecuting crimes with a negative impact on the environment, ***priority on investigating illegal mining***. Can ***seek compensation*** from guilty parties for social, economic or cultural damage caused by such crimes. Specialized prosecutors, expert researchers, along with 22 prosecutors in the Central Criminal Court, 11 assistant attorneys, and 22 criminal investigators [Colombia Reports Jan 2012 <https://goo.gl/HP2bmZ>] Restructured in June 2017 to give environmental crimes same priority as human rights violations. [17 Bogota 2144, sent August 31, 2017]
- **Working Group to Fight Environmental Crimes:** Fiscalia General ***announced formation on May 9, 2018***, with USAID director and Norwegian Ambassador attending. ***A major priority is to bring perpetrators of threats and harassment against environmental activists to justice***, including by cataloging information from the 35 regional offices [CARs] to further investigate and collect evidence for eventual prosecution of crimes against activists.” [18 Bogota 1462, sent June 12, 2018]

Relevant Law Enforcement Institutions

Environmental Police Unit: special unit of National Police in charge of supporting the environmental authorities, the territorial entities, and the community in general in the defense and protection of the environment and natural resources
[National Police <https://goo.gl/Sdp5jH>]

Relevant UN Offices/Regional Agencies

- **Office of the UN High Commissioner for Human Rights (OHCHR) in Colombia** was established in 1996; serves to 1) observe human rights situation, 2) advise on human rights law and ensure “any bill that includes human rights issues is respectful of international instruments on the subject,” 3) provide technical cooperation to state and civil society organizations, and 4) “inform, disseminate and promote human rights and International Humanitarian Law among Colombians” [OHCHR Colombia <https://goo.gl/aKqt6J>]
- **Inter-American Commission on Human Rights (IACHR)** principal and autonomous organ of the Organization of American States (OAS), whose mission is to promote and protect human rights in the American hemisphere. IACHR is composed of seven independent members who serve in a personal capacity, has mechanisms for the defense, protection, and promotion of human rights, has a Special Rapporteur on Economic, Social, Cultural, and Environmental Rights, examines and makes decisions on requests for precautionary measures. Has Strategic Plan 2017-2021 for engagement with Colombia.
<http://www.oas.org/en/iachr/mandate/what.asp>,
http://www.oas.org/en/iachr/media_center/PReleases/2018/041.asp
- **Inter-American Court of Human Rights:** autonomous judicial institution whose purpose is the application and interpretation of the American Convention on Human Rights.” [Inter-American Court <https://goo.gl/9TPw3H>]

Relevant Protection Mechanisms

National Protection Unit (UNP)

- Established in Ministry of Interior in 2011 [El Universal <https://goo.gl/RU7TNL>]
- “Responsible for articulating, coordinating and implementing measures of protection and support for prevention, promoting the rights to life, integrity, freedom and the safety of people, groups, groups and communities that, because of their status or exercise of their functions, may have an extraordinary or extreme risk” [UNP <https://goo.gl/DRPDwT>]
- a section protects human rights defenders.
- Individuals submit registration forms [UNP <https://goo.gl/xtSksa>]
- NGOs working in Colombia have told the IAWG that protection measures frequently do not meet defenders’ specific needs (e.g., defenders are granted an armed car when they travel mostly by river)
- UNP has been a model for protection mechanisms in the region

Office of the Ombudsman – Early Warning System subdivision charged with monitoring risks to civilians in connection with the armed conflict, and promoting actions to prevent abuses.

[Defensoría <https://goo.gl/6iZuK3>, <https://www.hrw.org/report/2010/02/03/paramilitaries-heirs/new-face-violence-colombia>]

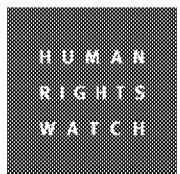
The IACHR notes the recent approval of Decree 2124/2017, which restitutes to the Ombudsperson's Office the capability to issue early warnings that can contribute to the adoption of preventive measures and prompt action in the face of the alerted risk factors. http://www.oas.org/en/iachr/media_center/PReleases/2018/065.asp

Likewise, it observes the announcement given by the Ministry of Interior in relation to the draft of a decree that creates a route for collective protection of social leaders and human rights defenders. The IACHR encourages the approval of this decree with extreme urgency; once consultations with organizations of the civil society are finished. http://www.oas.org/en/iachr/media_center/PReleases/2018/065.asp

IACHR Precautionary Measures

Recent Environmental Achievements and Goals

- “Colombia has made noteworthy efforts to address environmental issues in its oceans and coastal territories, including the designation of new marine protected areas, now totaling 32 marine and coastal areas from the national and subnational level.” [17 Bogota 2144, sent August 31, 2017]
 - “By 2018 Colombia aims to declare 2.5 million hectares as protected areas, both marine and terrestrial.”
- 2015: “Colombia began development of a master plan to combat coastal erosion through improved coastal management; the government aims to finish the plan and begin implementation by the end of 2017, with targeted reductions planned for 2040.” [17 Bogota 2144, sent August 31, 2017]
- President Juan Manuel Santos has received multiple environmental awards
 - 2016: Presented with Theodore Prize Roosevelt of Leadership in Environmental Conservation of Wildlife Conservation Society for “his work in expanding the National Natural Parks system in Colombia.” [National Natural Parks of Colombia <https://goo.gl/CpqPWB>]
 - 2017: Honored by National Geographic Society for his “unwavering commitment to conservation” [National Geographic <https://goo.gl/GT35TQ>]
 - 2017: “Awarded Kew International Medal for work protecting biodiversity” [Royal Botanic Gardens, Kew <https://goo.gl/KJ39t3>]
- 2017: Ministry of Environment created Bosques de Paz program, which “seeks to benefit municipalities that suffered from the [armed] conflict” and aims “to plant more than eight million trees in memory of victims” [Presidencia de la República <https://goo.gl/qgmwv3>]



Post-Conflict Justice Mechanisms

The government and the **Revolutionary Armed Forces of Colombia (FARC)** reached an agreement in 2016 to end their 52-year armed conflict. The agreement provides a historic opportunity to **curb human rights abuses**, but ***its justice component contains serious shortcomings that risk letting war criminals escape justice.***

- In April 2017, lawmakers passed a constitutional amendment creating the **Special Jurisdiction for Peace**. The amendment establishes a definition of “command responsibility”—the rule that **determines when superior officers can be held responsible for crimes of their subordinates**—for the armed forces that departs from established norms of international law in a way that could severely weaken accountability.
- **Office of the Prosecutor of the International Criminal Court (ICC)** continues to monitor Colombian investigations of crimes that may fall within the court’s jurisdiction. Prosecutor, Fatou Bensouda, conducted a mission to the country in September 2017. Upon request of the Constitutional Court, in October, Bensouda issued an amicus curiae before the court expressing concern about the definition of “command responsibility” and flaws in the amnesty law.

[Human Rights Watch 2018 World Report, Colombia chapter <https://www.hrw.org/world-report/2018/country-chapters/colombia>]